

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81883 of 2019

Arising Out of PS. Case No.-784 Year-2019 Thana- FORBESGANJ District- Araria

1. MD. MURSHID @ MURSHID ALAM Son of Siddique Resident of Village- Murballa, Ward No. 01, P.S. - Simraha, District - Araria.
2. Jamshed @ Md. Jamshed Son of Siddique Resident of Village Murballa, Ward No. 01, P.S. - Simraha, District - Araria.
3. Md. Gulnawaz @ Gulnawaz S/O Md. Tabrej (Master) Resident of Village Murballa, Ward No. 01, P.S. - Simraha, District - Araria.
4. Md. Pravej @ Md. Parwaiz Alam S/O Late Siddique Resident of Village Murballa, Ward No. 01, P.S. - Simraha, District - Araria.
5. Md. Shamshir @ Shamsir Alam S/O Late Siddique Resident of Village Murballa, Ward No. 01, P.S. - Simraha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 11-09-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Forbesganj (Simraha) P.S. Case no. 784 of 2019, registered under Sections 341, 342, 323, 325, 307, 387, 379, 365, 511 and 506/34 of the Indian Penal Code.

The accusation is that informant Md. Aashique, on 17-08-2019 at about 2.30 P.M., was kidnapped from Doria Madarsa chowk by the petitioners and he was confined in Biscoman Bhawan, as earlier the informant was informed to



give ransom of Rs. 50,000/-. When informant made query about ransom then on the order of petitioner No.1 Md. Murshid @ Murshid Alam, who is chairman of PACKS instigated to cause assault on which he and others caused grievous injury to him giving threatening to pack him in the sack and throw in the river. On receiving injuries, the informant became unconscious and fell down. In the meantime, the Officer-in-Charge of Simraha Police Station reached there on receiving the information from anyone and asked to the petitioners whereabouts of the informant Md. Aashique then petitioner No.1 Md. Murshid became ready to search the informant and after sometimes, all the petitioners carried informant and handed over to the Officer-in-Charge, Simraha Police Station. Earlier, the petitioners had also committed the similar mistakes at Biscoman Bhawan.

Learned counsel for the petitioners submits that, in fact, there was money dispute in between Bablu tailor master and the informant of the present case regarding which Panchayati was arranged on 17.08.2019 in which Md. Murshid (Petitioner No.1) was also one of the punches due to that reasons, informant lodged the present case with false allegation against the petitioners. Further submission is that in



restatement, the informant has not stated about demand of ransom and he only stated that he was kidnapped by Mubarak and Ragib, later on, the petitioners and other reached there and caused assault. Moreso, only two injuries, simple in nature, were found on the person of the informant. Further submission is that petitioner nos. 2 to 5 have no criminal antecedent, whereas petitioner No.1 is accused in two cases, as detailed in paragraph-03, but he is on bail in both cases.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj (Simraha) P.S. Case no. 784 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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