

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1061 of 2020

Arising Out of PS. Case No.-2228 Year-2018 Thana- COMPLAINT CASE District- Araria

1. Md. Rustam, Male, aged about 40 years, Son of Late Najir Mian, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
2. Md. Firkan, Male, aged about 18 years, Son of Md. Rustam, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
3. Md. Mansoor Mian, Male, aged about 30 years, Son of Md. Hussain, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
4. Noor Alam, Male, aged about 22 years, Son of Md. Hussain, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
5. Md. Hussain, Male, aged 45 years, Son of Late Najir Mian, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
6. Ahmad Hussain, Male, aged about 42 years, Son of Late Najir, Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.
7. Mohtaram, Male, aged about 18 years, Son Ahmad Hussain Resident of Village - Chakardaha, Ward No.15, P.S.- Narpatganj, Distt.- Araria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Arun Kumar Mandal, Advocate.
For the Opposite Party : Mr.Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 18-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioners and learned



counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 452, 380, 379 and 354(B)/34 of the I.P.C.

The prosecution story, in brief, is that the accused persons armed with *Bhala*, *Sword*, *Lathi*, *Danda*, *Bamboo* and *Fatha* came in drunken state and entered into the house of the complainant with *Bhala* with intent to kill him. When his wife came to rescue her husband, accused persons also assaulted her with fists and slaps and tried to outrage her modesty. Accused Md. Rustam took away cash of Rs. 20,000/- from his house and accused Md. Firkan snatched golden ear-ring from his wife. When the villagers came there to rescue them, the accused persons also assaulted them and damaged the *Tati* of the house and went away. Thereafter, accused persons came at the cloth shop of informant and accused Md. Rustam, Ahmad and Md. Hussain took away cash of Rs. 45,000/- from the cash box of the shop and looted away the clothes kept in the shop and went away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case.



There is no allegation of tampering with the witnesses alleged against the petitioners. Prior to institution of the present complaint case, a police case bearing Narpatganj P.S. Case No. 553 of 2018, annexed as Annexure-2 to the present complaint case, was instituted by the accused side against the complainant of the present case. The said police case was instituted on 23.09.2018 and in retaliation to that the present complaint case was filed on 24.09.2018. It is a malafide prosecution for oblique reason.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned C.J.M. Araria, in connection with Complaint Case No. 2228-C of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of



seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

