

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65 of 2020

Arising Out of PS. Case No.-305 Year-2017 Thana- ARARIA District- Araria

1. Abu Bakar, age-60 years, Male, Son of Late Kurban, Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
2. Md. Mobin @ Mobin, age 50 years, Male, Son of Md. Mohiuddin, Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
3. Md. Khaja @ Md. Khaja Hossain, age 35 years, Male, Son of Md. Mohiuddin, Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
4. Md. Imran, age 45 years, Male, Son of Gul Mohammad, Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
5. Abu Basar @ Abu Nasar, age 30 years, Male, Son of Abu Bakar, Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
6. Md. Israil, age 30 years, Male, Son of Islam Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
7. Soyeb @ Sayeb, age 40 years, Male, Son of Islam Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.
8. Muzahid @ Musair, age 35 years, Male, Son of Islam Resident of Village - Farashut Naya Tola, Majhuwa, P.S.- Araria (Bairgachhi), Distt.- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr.Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-06-2020 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 147, 148, 149, 341, 323, 324, 379, 385, 354, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 13.05.2017 while the informant was unloading soil in his court yard by Tractor, all the accused persons alongwith two another sons of Islam armed with deadly weapons came in the court yard of informant and started abusing him. When the informant raised a protest for abuse, they started assaulting him with Lathi and Iron rod, When Md. Isha, the brother of informant, came there in order to rescue the informant, accused Md. Imran inflicted sword blow aiming his head but during course of saving himself, Md. Isha sustained injury in his right hand. When Noor Jahan, the wife of informant, tried to rescue the informant, the accused persons badly assaulted her and torn her clothes and made her naked and snatched away cash of Rs. 7,000/- from the pocket of informant and golden wear ring from the wife of informant. The accused persons demanded Rs. One Lac as extortion money. Thereafter the family members of the informant brought the injured to Sadar Hospital for his treatment.



It has been submitted by learned counsel for the petitioners that the petitioner nos. 2, 3, 5, 6,7 and 8 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. There is land dispute between the parties. For the said reason, the petitioners have been made accused in the present case. There is case and counter case between the parties. The alleged occurrence is said to have taken place due to petty reason.

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

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 A.C.J.M. V, Araria, in connection with Araria (Bairgachhi) P. S. Case No. 305 of 2017, 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)

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