

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33415 of 2020**

Arising Out of PS. Case No.-338 Year-2016 Thana- BIHPUR District- Bhagalpur

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1. MD KAMAR @ Md. Kamar Alam, Son of Md. Azim, Resident of Village - Pathan Toil, Babhangama, P.S.- Bihpur, Distt.- Bhagalpur
  2. Md. Akhtar @ Akhtar Khan, Son of Md. Azim, Resident of Village - Pathan Toil, Babhangama, P.S.- Bihpur, Distt.- Bhagalpur ... Petitioners

Versus

The State of Bihar

... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Vikram Singh, Adv.

For the Opposite Party : Mr. Mrityunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

2      12-03-2021                      As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Bihpur P.S. Case No. 338 of 2016, registered under Sections 448, 341, 323, 305, 379, 385, 504, 506 and 427/34 of the Indian Penal Code.

The accusation is that in the late night of 24.09.2016, informant, Majda Khatoon, was engaged in construction work through mason, Md. Naushad, at that time, Azeem Khan, Md. Kamar (petitioner no. 1) and Md. Zafar came and started to



abuse asking about her son, Sabir, saying that how the construction is going on as Sabir had assured to give Rs.50,000/-. At that time, they caused injury to mason, Md. Naushad, and also gave threatening to her of dire consequences in case of non-giving of cash of Rs.50,000/- and to kill her son, Sabir. At that time, Md. Akhtar (petitioner no. 2), folded the gamchha in her neck, then, she raised alarm and she was saved. Thereafter, she went to the shop of his son, Sabir, and returned to her house with her son, Sabir, then, she saw that Md. Azeem Khan, Md. Anwar Khan, Md. Akhtar (petitioner no. 2), Md. Mokhtar, Md. Zafar, Md. Azeem and Bibi Shahnaz Khatoon were in her house and they started to abuse and threw the house hold articles and other materials.

Submission is that due to land dispute, hot talk exchanged, but, with ulterior motive, the informant lodged the present case. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bihpur P.S. Case No. 338 of 2016 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to



the satisfaction of the Subdivisional Judicial Magistrate, Naugachia, Bhagalpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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