

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33511 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- NATHNAGAR District- Bhagalpur

1. Md. Asif Anwar Khan, S/o Md. Anwar Khan, Resident of Mohalla-Moazzamchak, Police Station-Habibpur, District-Bhagalpur.
2. Md. Amin @ Sayyed Md. Amin, S/o Late Kasim, Resident of Mohalla-Maulanachak, Police Station-Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate.

For the Opposite Party/s : Mr. Promod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nathnagar (Madhusudanpur) P.S. Case No. 75 of 2020, registered under Sections 341, 323, 506 and 385/34 of the Indian Penal Code and Sections 3/ 4 of the Explosive Substance Act.

The accusation is that on 02.02.2020, at about 10



AM, informant, Shakiur Rahman Khan, along with Md. Nisar, Md. Riaz and Md. Sahid was cleaning the land near the brick kiln of Md. Afroz, regarding which, deed of agreement was prepared for purchasing the same. At that time, Md. Ashif Anwar Khan (petitioner no.1), Md. Imran @ Khjwa and Md. Amin (petitioner no.2) came there and made demand of ransom of Rs.5,00,000/- saying that they will not be permitted to clear the land. At that time, they also called 3 to 4 persons, who caused injury to Md. Nisar, Md. Riaz and Md. Sahid and also hurled the bomb at the land. One Passion Pro motorcycle bearing registration no. BR10Q-1519 was also parked there at that time, on which, sticker of police was tagged.

Learned counsel for the petitioner submits that, in fact, the land as detailed in the FIR is belonging to the ancestor of the petitioners, regarding which, Title Suit No. 53 of 2020 is pending, which has been filed by Ajiz Ahmad Khan, cousin of petitioner no.1 but on knowing the fact that there is dispute over the land in between the family of the owner of the land, the informant, who is land Mafia, tried to grab the same. Further submission is that petitioner no.1, who is constable in the Police Department, was present at his house at the time of occurrence, reached there but only to give undue pressure, informant lodged



present case with false allegation, so that no one make the claim over the said land.

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 six 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 A.C.J.M.-I, Bhagalpur, in connection with Nathnagar (Madhusudanpur) P.S. Case No. 75 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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