

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.38389 of 2020

Arising Out of PS. Case No.-344 Year-2012 Thana- CHANDAUTI District- Gaya

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1. MD. FAROOQUE, Son of Late Allauddin, Resident of Village- Bara, P.S.- Chandauti (Chakand), Distt.- Gaya
 2. Md. Qutub, Son of Late Aley Ahmad, Resident of Village- Dabbo P.S.- Chandauti , Distt.- Gaya ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Sharda Nand Mishra, Adv.
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 22.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioners seek pre-arrest bail in connection with Chandauti (Chakand) P.S. Case No. 344 of 2012, registered under Sections 323, 324, 307, 374 and 386 of the Indian Penal Code.

The accusation is that complainant/informant, Md. Iftekhar Ahmad, was engaged on 06.11.2012 in digging the soil on his plot no. 2459, khata no. 100 for construction of the house, at that time, four persons, named in the first information report, including both the petitioners, came and asked to stop digging.



When complainant/informant, Md. Iftekhar Ahmad, made protest, then, all started to scuffle and causing assault. At that time, Md. Qutub (petitioner no. 2) caught hold his leg and Md. Farooque (petitioner no. 1) asked to kill him on which all started to press the neck of the informant. On raising alarm persons came there to rescue the informant, then, both the petitioners took out pistol giving threatening to kill. At that time, Shahabuddin took out the stamp paper from his pocket and tried to take the signature of the informant, which was refused, then, both the petitioners kept the pistol on his temple, thereafter, he signed the paper. At that time, Md. Qutub (petitioner no. 2) took out Rs.10,000/- from his pocket. Thereafter Md. Farooque (petitioner no. 1) made attempt to fired, but, the same got missed.

Submission is that due to land dispute both the petitioners and other named as accused in the complaint petition, have falsely been implicated and both 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 arrest/surrender, within a period of four weeks from today, in connection with Chandauti (Chakand) P.S. Case No. 344 of



2012 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 Judicial Magistrate, 1st Class, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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