

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2324 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- GHOGHARDIHA District- Madhubani

1. MD. RUSTAM SON OF LATE MD. JAMIL RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.
2. MD. SAHABUDDIN SON OF LATE SIDDIQUE RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.
3. MD. JIYAU SON OF MD. JAMIL RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.
4. MD. RAJAU SON OF MD. JAMIL RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.
5. MD. JAKIR SON OF MUSHAHARU MIYAN RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.
6. MD. USMAN SON OF MUSHAHARU MIYAN RESIDENT OF VILLAGE-MAINAHITOLE, AMAHI,P.S-GHOGHARDIHA, DISTRICT-MADHUBANI.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Ms. Kumari Shubham, Advocate.
For the State	:	Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-09-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 06.01.2021, 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, through Video Conferencing.

The petitioners apprehend their arrest in connection with Ghoghardiha P.S. Case No.122 of 2020, corresponding to G.R. No.1360 of 2020, registered under Sections 341, 323, 379, 354, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 25.07.2020 at about 06.00 P.M., the son of the informant informed and asked the informant Bibi Sameeran Khatoon from Banar Jhula Chowk to come with Rs.1,00,000/- or send the same from anyone at Customer Service Centre. Thereafter, the informant along with her husband Md. Mumtaz moved for there with Rs.95000/-. At that time, the informant saw Md. Rustam (petitioner no.1) and Md. Sahabuddin (petitioner no.2) coming from her behind. When the informant reached at the east of the village and west of the chowk, then saw Md Jiyaul (petitioner no.3), Md. Rajaul (petitioner no.4), Md. Jakir (petitioner no.5) and Md. Usman (petitioner no.6) in the way having lathi, danda and other weapons in their hands. Thereafter, the informant came in suspicion and asked her husband to return to the house. When the informant turned around to proceed for the house, then Md. Jameel and Md. Sahabuddin (petitioner no.2) caught hold the informant and started to cause assault to her through fists and

slaps. In the meantime, all the aforesaid four persons surrounded the informant. When the husband of the informant started to raise alarm, then on the order of Md. Sahabuddin (petitioner no.2), Md. Jakir (petitioner no.5) and Md. Rajaul (petitioner no.4) tied the Gamchcha on his neck and started to twist the same with an intention to kill. In the meantime, Md. Jiyaul (petitioner no.3) and Md. Usman (petitioner no.6) torn the clothes of the informant. At that time, Md. Jiyaul (petitioner no.3) dashed the informant on the ground and Md. Sahabuddin (petitioner no.2) snatched Rs.95000/- of the informant. In the meantime, Md. Hasan and Md. Jabbar, the co-villagers of the informant, came and asked them to return the money but Md. Rustam (petitioner no.1) and Md. Sahabuddin (petitioner no.2) asked that they would not return the money.

Learned counsel for the petitioners submits that the petitioners are the co-villagers of the informant and there is land dispute in between them, due to that reason, the informant has falsely implicated the petitioners in the present case. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be

enlarged on bail on their furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the Sub Divisional Judicial
Magistrate, Jhanjharpur (Madhubani), in connection with
Ghoghardiha P.S. Case No.122 of 2020, corresponding to G.R.
No.1360 of 2020, subject to the conditions laid down under
Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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