

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11557 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- SHRI NAGAR District- Madhepura

1. MD. MANNAN Son of Late Muslim Village - Chainpur, Ward No. 01, P.S.- Sri Nagar, District - Madhepura
2. Md. Abdul Hafiz Son of Md. Mannan Village - Chainpur, Ward No. 01, P.S.- Sri Nagar, District - Madhepura
3. Md. Mustak Son of Md. Mannan Village - Chainpur, Ward No. 01, P.S.- Sri Nagar, District - Madhepura
4. Md. Miraj Son of Md. Mannan Village - Chainpur, Ward No. 01, P.S.- Sri Nagar, District - Madhepura
5. Md. Riyaz Son of Md. Mannan Village - Chainpur, Ward No. 01, P.S.- Sri Nagar, District - Madhepura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 23-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Sri Nagar P.S. Case No. 46 of 2020 registered for the offences punishable under Sections 341, 323, 420, 384, 504, 506 and 34 of the Indian Penal Code.



At the outset, it has been submitted by the learned counsel for the petitioner that the petitioner No. 2 Md. Abdul Hafiz, has been arrested. As such, he wants to withdraw the anticipatory bail petition on behalf of the petitioner No.2.

Accordingly, the anticipatory bail petition in respect of petitioner No. 2 is dismissed as withdrawn.

As per allegation co-accused Siraj has taken eight *bigha* land from the informant on annual rent of Rs. 1,50,000/-. As per the terms of the agreement the amount was to be paid in two equal installments of Rs. 75,000/- per annum but Md. Siraj did not pay the installment for december, 2019. It has further been alleged that on 11th July, 2020 Md. Siraj along with the petitioners came to his land with tractor to plough, which was objected by the informant then the accused persons assaulted him and demanded three lakh rupees as ransom for vacating the land.

Learned counsel for the petitioners has submitted that the petitioners are not the party to the agreement rather they are strangers they have no concern with the alleged transaction which have been entered into between the informant and co-accused Md. Siraj. The allegation against the petitioners of assaulting the informant with fist and slaps are general and



omnibus in nature. It is further submitted that the petitioners have got clean antecedent.

The learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the above-mentioned fact and circumstances, let the petitioner No. 1, 3, 4 and 5 be released on bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Madhepura or his successor, in connection with Sri Nagar P.S. Case No. 46 of 2020 being CIS 1213 of 2020 the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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