

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17408 of 2021

Arising Out of PS. Case No.-591 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Kudus Miyan @ Md. Kudus, Gender-Male, aged about 60 years, Son of Late Yasin Miyan
 2. Styil Miyan , Gender-Male, aged about 35 years, son of Kudus Miyan @ Md. Kudus
 3. Mustaque Miyan, Gender-Male, aged about 25 years, son of Kudus Miyan @ Md. Kudus
 4. Akibul Miyan @ Akibul Rahman, Gender-Male, aged about 30 years, son of Abdul Wadood
 5. Rahmat Miyan @ Rahmat Ali @ Rahyat Miyan, Gender-Male, aged about 22 years, son of Abdul Wadood
 6. Afsana Khatoon @ Aapshana Khatoon, Gender-Female, aged about 55 years, wife of Kudus Miyan @ Md. Kudus
 7. Sabana Khatoon, Gender-Female, aged about 35 years, daughter of Kudus Miyan @ Md. Kudus
 8. Jahrana Khatoon @ Jahan Aara Khatoon, Gender-Female, aged about 25 years, daughter of Kudus Miyan @ Md. Mudus

All are residents of Village - Murgia, P.S. - Gopalganj, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-03-2022 Heard Mr. Javed Aslam, learned advocate for the
petitioners and Mr. Ram Priya Sharan Singh for the State.

Mr. Aslam, the learned advocate seeks permission to
withdraw the application with respect to petitioner no.3 who has
been arrested during the pendency of this application.

Accordingly, the application with respect to petitioner



no. 3 stands dismissed as having become infructuous.

After some arguments, learned counsel for the petitioner seeks permission to withdraw the application with respect to petitioner no.2 who, along with one Mustaque Miyan (petitioner no.3) whose application has been withdrawn, is said to have assaulted the informant as a result of which he has received grievous injury.

Accordingly, the application with respect to the petitioner no.2 is dismissed as withdrawn with the liberty to him to surrender before the court below and seek bail.

The petitioner nos. 1 and 4 to 8 seek bail in anticipation of their arrest in connection with Gopalganj Town P.S. Case No. 591 of 2020 dated 13.10.2020 instituted for the offences under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

The petitioner no. 1 is said to have exhorted the other petitioners as a result of which the Informant was assaulted by petitioner nos. 2 and 3 (whose applications have been withdrawn) who has received grievous injuries. When the nephew of the Informant came for rescue, he too is said to have been assaulted by the petitioner nos. 1 and 4 to 8 but, he has received only simple injuries.

The accusation against the petitioner nos. 1 and 4 to 8 are absolutely general and omnibus.



There is a motive behind falsely implicating the petitioners.

There is a dispute with respect to the claim over a particular land over which construction is said to have been started by one of the parties.

The petitioners do not have criminal antecedent.

For the aforestated reasons, the petitioner nos. 1 and 4 to 8, namely, Kudus Miyan @ Md. Kudus, Akibul Miyan @ Akibul Rahman, Rahmat Miyan @ Rahmat Ali @ Rahyat Miyan, Afsana Khatoon @ Aapshana Khatoon, Sabana Khatoon and Jahrana Khatoon @ Jahan Aara Khatoon are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalganj Town P.S. Case No. 591 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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