

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25778 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- TATARPUR District- Bhagalpur

MD. EJAZ Son of Late Md. Abbas Resident of Village - Sadaruddinchak,
P.S.- Habibpur, Distt.- Bhagalpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 26147 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- TATARPUR District- Bhagalpur

MD. WASIM SON OF LATE MD. KASIM SIDDIKI R/O MOHALLA-
JABBAR-CHAK, P.S.- TATARPUR, DISTRICT- BHAGALPUR ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25778 of 2022)

For the Petitioner : None

For the Opposite Party : Mr.Jai Narain Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 26147 of 2022)

For the Petitioner : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Both the applications have been heard together and

are being disposed of by this common order as it arises out of

same case.

No one appeared on behalf of the petitioner in Cr.

Misc. No. 25778 of 2020.

The case is registered under Sections 341, 342, 504,

506, 385, 386 and 34 of the Indian Penal Code in connection

with Tatarpur P.S. Case No. 172 of 2021

As per the allegation in the first information report, a

written application was preferred before the Tatarpur Police



Station alleging that one Md. Afsar called him and demanded Rs.9,000/- per month for the three shops with further allegation that Rs.10,000/- was taken away from the pocket of his cousin, Md. Atiq, by way of “rangdari”. It has further been alleged that 4-5 days earlier to this first information report the accused, Md. Ejaz and Md. Wasim, came to his shop and demanded Rs.20,000/-, again, by way of “rangdari” and took Rs.5,000/- which the informant obliged considering him to be part of Md. Afsar gang. Further allegation is that once again the aforesaid Md. Ejaz as also Md. Wasim came to his shop and demanded Rs.15,000/- i.e., the remaining amount. The local shop keepers managed to inform the police. The informant lodged the first information report. The police apprehended Md. Ejaz and Md. Wasim from their house after the first information report was lodged. It also arrested Md. Afsar, Md. Afroz and Md. Azhar. In this way, while Md. Ejaz was arrested on 27.09.2021 (as mentioned in paragraph 2 of the bail application of Cr. Misc. No. 25778 of 2022), Md. Wasim was arrested on 02.10.2021 (as mentioned in paragraph 15 of the bail application of Cr. Misc. No. 26147 of 2022).

A perusal of bail application of Cr. Misc. No. 25778 of 2022 shows that the petitioner has nothing to do with Md.



Afsar nor the amount as alleged has been collected by him, but on allegation has been taken into custody. Further, he has no criminal antecedent.

So far as Cr. Misc. No. 26147 of 2022 is concerned, the counsel for the petitioner submitted that nothing has been recovered from his possession nor he had any concern with co-accused, Md. Ejaz, but due to business rivalry, he being the neighbouring shop keeper, has been implicated in this case.

Learned counsel for the petitioner submits that Md. Wasim too does not have any criminal antecedent.

Taking into consideration the aforesaid fact that while the petitioner, Md. Ejaz, is in custody since 27.09.2021 and the petitioner, Md. Wasim, is in custody since 02.10.2021, none of them are having any criminal antecedent, charge sheet stands submitted and ultimately they have to face trial, this Court is inclined to grant them bail.

The petitioners are directed to be released on bail in connection with the above case 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 Additional Chief Judicial Magistrate, VII, Bhagalpur, subject to the following conditions :



(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bonafide.

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his/their cancellation of bail by the Trial Court itself.

(iii) they shall appear before the concerned Police Station every fortnight for next six months to mark his presence.

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his/their bail bond(s).

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his/their bail bond(s).

(Rajiv Roy, J)

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