

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50344 of 2021

Arising Out of PS. Case No.-284 Year-2021 Thana- AKBARPUR District- Nawada

1. MD. SHARFUDDIN S/o LATE MOINUDDIN R/o VILLAGE-AFJAL NAGAR, TAKIYAPAR, P.S-BUNDEL KHAND, DISTRICT-NAWADA.
2. WAQUI @ MD. WAQUIUDDIN S/o SHARFUDDIN R/o VILLAGE-AFJAL NAGAR, TAKIYAPAR, P.S-BUNDEL KHAND, DISTRICT-NAWADA.
3. OBAISH ALAM S/o LATE MANIRUDDIN R/o VILLAGE-AFJAL NAGAR, TAKIYAPAR, P.S-BUNDEL KHAND, DISTRICT-NAWADA.
4. MD. SOHAILUDDIN @ SOHAIL S/o SHARFUDDIN R/o VILLAGE-AFJAL NAGAR, TAKIYAPAR, P.S-BUNDEL KHAND, DISTRICT-NAWADA.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Opposite Party/s : Mr.Vinod Shanker Modi

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-06-2022 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 Akbarpur P.S. Case No. 284 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379 of the Indian Penal Code and Section 27 of the Arms Act.

At the outset, learned counsel for the petitioners has submitted that there was some clerical mistake in the address of



petitioner Nos. 1 to 4 and the address in paragraph No. 2 of the supplementary affidavit is the correct address of petitioner Nos. 1 to 4.

Let it be corrected according to the paragraph No. 2 of the supplementary affidavit.

As per allegation, nine accused persons named in the FIR including the petitioners variously armed with iron rod came to the house of the informant and they assaulted him with iron rod and pistol on his head. Co-accused Md. Chand, Danish Javed, Sahan and Mumtaz demanded Rs. 5 lakh as ransom and they badly assaulted him. Co-accused Md. Chand and Danish Javed fired by their country made pistol.

Learned counsel for the petitioner has submitted that there is land dispute between both the parties and a proceeding under Section 144 of the Cr.P.C. was also going on between the parties. There is allegation that co-accused Md. Chand and Danish Javed opened fire but there is no firearm injury on the person of the informant. He has submitted further that co-accused Danish Javed has also lodged a criminal case against the informant side which was registered as Akbarpur P.S. Case No. 201 of 2021 and FIR of that case shows that co-accused Danish Javed had sustained injuries on his head. He has submitted further that although one injury on the person of the informant was found grievous but it was not attributed specifically against any of the petitioners rather it is general and



omnibus.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No. 284 of 2021, subject to 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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