

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37847 of 2024

Arising Out of PS. Case No.-611 Year-2023 Thana- SABAUR District- Bhagalpur

1. Md. Zafar @ Md. Zafar Alam S/O Late Md. Sattar @ Abdul Sattar
2. Md. Tausif @ Tausif Alam Son Of Md. Zafar @ Md. Zafar Alam
3. Md. Taufique @ Md. Taufique Alam S/O Md. Zafar @ Md. Zafar Alam
4. Md. Fauhid @ Md. Tauhid Alam S/O Md. Zafar @ Zafar Alam
Petitioner Nos.1 to 4 resident of Badhuchak, P.S.-Jagdishpur, District-
Bhagalpur.
5. Md. Hashim Son Of Md. Taiyyab
6. Bibi Tasdika Wife Of Md. Hashim.
Petitioner Nos.5 and 6 R/O-Village- Habibpur (Badluchak), P.S.- Sabour
(Goradih), Dist- Bhagalpur
7. Md. Daraksin Son Of Mojib R/O Village- Daharpur, P.S.- Goradih, Dist-
Bhagalpur
8. Bibi Sakniya @ Sakiya Khatoon D/O Md. Najim @ Md. Najimuddin, R/O-
Village- Badluchak, P.S.- Jagdishpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2024 Heard Mr.Md. Najmul Hodda, learned counsel for

the petitioners and Mr.Pawan Kumar Chaurasia, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Sabour (Goradih) P.S.Case No.611 of 2023,
FIR dated 13.11.2023, registered for the offences punishable
under Sections 341, 323, 307, 504, 506, 385, 387, 379, 440,



448, 354(B) of IPC.

3. Prosecution case, in brief is that when the informant wants to make construction of his house on his purchased land Khata no. 107, Khesra no. 108, Area 7-1/2 decimal but accused 1. Md. Zafar 2. Md. Tousif 3. Md. Toufique 4. Md. Touheed were demanding ransom money Rs. 5,00,000/- before constructing the house. Further alleged that on 13.11.2023 at about 8.30 AM when he was started constructing his house, petitioners having arms and ammunitions came on plot and said that without paying demanded ransom money Rs.5,00,000/-, how you are making construction and with intention to kill Md. Toukir gave knife blow on the head of his sister Bibi Jahana but she saved her head and sustained injury on her left hand and when his daughter in law Bibi Sakina came to save her accused Md. Daraksin and Hasim brutally assaulted by brick bats and with bad intention they started to drag and dragged her Sari. Further alleged that all the accused persons destroyed his construction articles amounting to costs Rs.4,00,000/- and threatened that without paying the ransom amount Rs.5,00,000/- they would not make the construction of house.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties and as per FIR allegation against the petitioners is that they demanded ransom from the informant's son and they also assaulted to the family members of the informant. Learned counsel for the petitioners submits that due to admitted land dispute the present occurrence had taken place and although the petitioners' side have assaulted to the informant's side but the injury report of the informant's side suggests that the injury is simple in nature and in fact the petitioners have never demanded any ransom from the family members of the informant and the informant made the entire family members of the petitioners as accused in the present case.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and injury report of the informant's side suggests that the injury is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of



receipt of the order, 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, Bhagalpur in connection with Sabour (Goradih) P.S. Case No.611 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-



mentioned order shall not be delayed for purpose of or in the
name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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