

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43882 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- FORBESGANJ District- Araria

1. Md. Aslam Son Of Late Md. Giasuddin @ Sek Gayasuddin @ Md. Gias R/O- Village- East Korheli Panchayat Majhua, Ward No. 7, Police Station- Forbisganj, District- Araria
 2. Md. Israfil Son Of Late Md. Giasuddin @ Sek Gayasuddin @ Md. Gias R/O- Village- East Korheli Panchayat Majhua, Ward No. 7, Police Station- Forbisganj, District- Araria
 3. Md. Nasim @ Nasim Son Of Md. Rafique R/O- Village- East Korheli Panchayat Majhua, Ward No. 7, Police Station- Forbisganj, District- Araria
- Petitioner/s

Versus

1. The State of Bihar
 2. Dolti Devi W/O- Ramchandra Das R/O- Training School Chowk, Ward No. 21, Police Station- Forbisganj, District- Araria
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Forbisganj P.S. Case No. 356 of 2023 dated 23.04.2023
instituted for the offence punishable under Section 306 of the
Indian Penal Code.

3. The prosecution case, in short, is that on the alleged
date of occurrence, the informant along with her husband and
son went to the house of petitioner no. 1, namely, Md. Aslam



and demanded Rs. 90,000/- which was the due amount of wage of her son for six months. Upon which the petitioners and other accused formed an unlawful assembly and started abusing and assaulted the informant, her husband and son. Leg of the informant's son was also broken. It is further alleged that due to the aforesaid occurrence caused by the accused persons, the informant's son committed suicide.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the date of incident is 10.04.2023, but the F.I.R. has been lodged on 23.04.2023 after delay of 12 days without any plausible explanation. The allegation against Md. Aslam is that he has not given the labour charge to the informant's son amounting to Rs. 90,000/-, is not believable. Learned counsel for the petitioners submits that earlier Forbesganj P.S. Case No. 318 of 2023 has been lodged by the same informant on 12.04.2023 against all accused persons for same allegation, in which petitioners have granted bail by co-ordinate Bench of this Court *vide* order dated 23.02.2024 passed in Criminal Appeal (SJ) No. 3350 of 2023. Learned counsel for the petitioners further submits that the allegation against the petitioners are general and omnibus.



Lastly, it has been submitted that petitioners have one cases against them.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Forbesganj P.S. Case No. 356 of 2023, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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