

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.16588 of 2016**

Arising Out of PS.Case No. -107 Year- 2015 Thana -PALASI District- ARRARIA

- =====
1. Tahir Khan son of Basir Khan
  2. Jamal Khan @ Bhutia Khan son of Late Buddhan Khan
  3. Sahees Khan son of Late Safun Khan @ Sakun Khan
- .... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manish Kumar  
For the Opposite Party/s Mr. Parmanand Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

02/ 26.04.2016 Supplementary affidavit is filed on behalf of the petitioners.

Heard learned counsel for the petitioners as well as learned  
Addl. Public Prosecutor for the State.

Petitioners seek bail in a case registered under section 307  
and other allied sections of the Indian Penal Code.

In the first information report, there is specific allegation  
against petitioner nos.1 and 2 that they assaulted injured Shamshad  
Hussain causing injury to him on his head and other parts of the body  
but annexure 4 to the petition goes to show that only one injury was  
found on the head of injured Shamshad Hussain.

Although the aforesaid head injury appears to be grievous in  
nature but it is not specific who is author of the aforesaid injury. So  
far as petitioner no.3 is concerned, it is alleged that he assaulted  
injured Salik Hussain causing head injury to him but annexure 7 to the  
supplementary affidavit goes to show that injured Salik Hussain

sustained simple injury on his head said to be caused by sharp cutting weapon.

Moreover, wife of petitioner no.1 lodged a counter case i.e. Palasi P.S. case no. 108/2015 and in the aforesaid case, wife of petitioner no.1 claimed that it was the prosecution party who was aggressor and caused injuries to petitioner no.1 and others.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs 10,000/-each with two sureties of the like amount each to the satisfaction of Sri S.K. Singh, Judicial Magistrate, Ist Class, Araria in Palasi P.S. Case no. 107/2015.

shahid

(Hemant Kumar Srivastava,J)

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