

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40643 of 2016

Arising Out of PS.Case No. -9 Year- 2016 Thana -NIMCHAKBATHANI District- GAYA

- =====
1. Chhotu Khan @ Mohsin Khan S/o Late Sasin Khan,
 2. Jamil Khan S/o Tazammul Khan
- Both resident of Village- Simraur, P.S.- Neemchak Bathani, District- Gaya.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Manisha Prakash, Advocate
For the Opposite Party/s : Mr. Sri Shailendra Kumar -2
For the Informant : Mr. Nilesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 22-09-2016

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Neemchak Bathani P.S. Case No. 09 of 2016, disclosing
offences under Sections 147, 148, 149, 323, 325, 326, 327 and
307 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that the accused persons including the
petitioners surrounded the informant and assaulted him with
Lathi and Danda and they also opened fire, which did not hit
him. It is alleged against co-accused, Mumtaj Khan, that he
gave him a blow with dagger.

Learned counsel, appearing on behalf of the

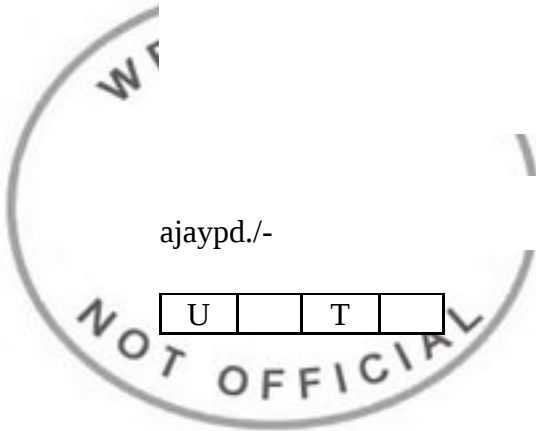
petitioners, has submitted that no offence under Section 307 of the I.P.C. is made out, on the basis of what has been alleged in the F.I.R. It has also been submitted that there is no specific allegation of assault against the accused persons except co-accused, Mumtaj Khan.

On the other hand, learned counsel, appearing on behalf of the informant, has opposed the prayer for anticipatory bail.

However, after going through the F.I.R., I find substance in the submission advanced on behalf of the petitioners. This application is, accordingly, allowed. Let the petitioners, above-named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Xth, Gaya in connection with Neemchak Bathani P.S. Case No. 09 of 2016, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to

appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)