

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.26091 of 2016**

Arising Out of PS.Case No. -125 Year- 2014 Thana -KHAIRA District- SARAN

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1. Kamrul Khan @ Quamrul Haque S/o Late Mandal Khan  
2. Senter Khan S/o Faijal Khan  
3. Faijal Khan @ Fajal Haque Khan S/o Late Mandal Khan All residents of  
Village- Manpur, Tola Pravej Khan, P.S. Khaira, District Saran,  
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Harsh Singh, Advocate

For the State : Mr. Sri Sanjay Kumar Sharma, APP

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

ORAL ORDER

2      30-06-2016      It is contended that the petitioner no. 3 Faijal Khan @  
  
Fajal Haque Khan having already been taken in custody this  
  
application has become infructuous as against him.

Accordingly, this application is dismissed as infructuous  
  
as against the petitioner no. 3.

Heard learned counsel for the petitioner and the State.

Petitioner nos. 1 and 2 apprehend their arrest in a case  
  
registered for the offences punishable under sections 147, 148,  
  
149, 341, 323, 324, 307, 379 and 452 of the Indian Penal Code  
  
and section 27 of Arms Act.

It is contended that there is a case and counter case as a  
  
First Information Report was also lodged from the side of the  
  
petitioners also and, in fact, there was a function in the house of  
  
the petitioners when the occurrence took place and the

informant's sides are the aggressors. It is further contended that the allegation is of assault by the petitioner nos. 1 and 2 is by "farsa", which is a sharp-cutting weapon, upon the informant Md. Hussain as well as Hamid Raza but there is no sharp-cutting injury shown in the injury report and the injuries are superficial in nature caused by hard and blunt substance. There is only one grievous injury on Aamir Hussain on his left palm but that has been caused by co-accused Mosarraaf Khan and not by these petitioners. Petitioners claim to be of clean antecedents.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner nos. 1 and 2, namely, Kamrul Khan @ Quamrul Haque and Senter Khan, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Khaira Police Station Case No. 125/2014 on furnishing bail bonds of Rs.10,000/- ( Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of the Sri B.B. Rai, J.M., Ist Class, Chapra, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

**(Dr. Ravi Ranjan, J)**

SC/-

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