

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13669 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Phool Khan @ Phoolbabu Khan son of Late Usman Khan
 2. Baseed Khan, son of Phool Khan
 3. Ekaram Khan, son of Wajul Khan
 4. Samim Khan, son of Mohi Ahmad Khan
 5. Sohail Khan, son of Samim Khan
 6. Kaisar Khan @ Dollar Khan, son of Moliullah Khan
 7. Fahim Khan, son of Moliullah Khan All Resident of village- Parari, P.S. Dhaka, Distt. East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.16674 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Asre Alam Khan S/o Phool Babu Khan@Phool Khan
 2. Nazre Alam Khan S/o Habibur Rahman Khan
 3. Sh. Amshad Alam S.o Habibur Rahman Khan.
 4. Irshad Alam Son of Habibur Rahman Khan.
 5. Salman Khan S/o Nurain Khan All Resident of Village- Parari, P.S Dhaka Dist East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.13669 of 2016)

For the Petitioner/s : Mr. Takhur
For the Opposite Party/s : Mr. Ram Chandra Singh (App)

(In Cr.Misc. No.16674 of 2016)

For the Petitioner/s : Mr. Takhur
For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-05-2016 Both the application arise out of Dhakha P.S. Case No. 112 of 2015 and as such they have been heard together.

Heard Mr. Takhur, for the petitioners, Mr. Ram Chandra Singh, APP for the State as well as the counsel for the informant.

Seven petitioner(s) seek anticipatory bail in Cr. Misc. No. 13669 of 2016, whereas in Cr. Misc. No. 16674 of 2016, five petitioner(s) have prayed for anticipatory bail. All of them are named accused(s) of Dhaka P.S. Case No. 112 of 2015, registered under Sections 447, 448, 341, 323, 325, 307, 427, 379, 504, 506/34 of the Indian Penal Code.

It is alleged while his sister-in-law (Bhabhi) was constructing 'Machan', the accused persons arrived there and started abusing her. When a protest was made then on the order of accused Asare Alam Khan petitioner Shohail Khan is said to have inflicted iron-rod blow on the head of the informant. The petitioner Nazare Alam Khan is alleged to have assaulted the cousin brother of the informant.

Contention of the petitioner is that in relation to the said occurrence, an FIR was lodged by petitioner Asare Alam Khan against the prosecution side registered under Section 307 of the Indian Penal Code in which the petitioner Asre Alam

Khan, received injuries on his neck. It is stated that on going through both the FIRs, it would appear that there was a free fight between both parties in which both sides received injuries. It is further stated that some co-accused persons of the counter case have been granted anticipatory bail vide order dated 21.12.2015, passed in Cr. Misc. No. 50348 of 2015.

Learned counsel for the informant as well as the State have, however, submitted that the informant received at least three injuries one of which was on head caused by hard and blunt substance which was opined to be grievous in nature. The said injury is assigned to petitioner no. 5 (Shohail Khan).

Considering the facts and circumstances of the case, all the petitioners named above except petitioner no. 5 (Shohail Khan) in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahn, Dhaka in Dhaka P.S. Case No. 112/2015, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his/their own/close family member. The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two

consecutive dates, the trial court shall have liberty to cancel their bail bonds.

The prayer for anticipatory bail on behalf of petitioner no. 5 (Shohail Khan) in Cr. Misc. No. 13669 of 2016 is rejected.

(Kishore Kumar Mandal, J)

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