

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50654 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -DHAKA District- EAST CHAMPARAN
(MOTIHARI)

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1. Habibu Rahman @ Habibu Rahman Khan, son of Yasin Khan.
2. Rahman Khan, son of Shanif Khan,
3. Majhar Khan, son of Mofi Ahmad Khan,
4. Masihu Khan, son of Sahmad Khan,
5. Sonu Khan, son of Habibu Rahman @ Habibu Rahman Khan,
6. Atahar Khan, son of Mofi Ahmad Khan,
7. Ahmar Khan @ Azhar Khan, son of Mofi Ahmad Khan,
8. Rinku Khan, son of Satahu Khan,
9. Tinku Khan, son of Satahu Khan,
10. Ashraf Khan, son of Late Nurul Khan,
11. Sahid Khan, son of Baned Khan,
12. Chhotu Khan, son of Baned Khan,
13. Sagar Khan @ Sagir Khan, son of Baned Khan,
14. Rafi Alam Khan @ Rafi Alam, son of Rasidul Khan,
15. Asre Alam Khan @ Asre Alam, son of Rasidul Khan,
16. Wahidun Khan, son of Ahsan Ahmad Khan,
17. Kyamuddin Khan, son of Wahiuddin Khan,
18. Babu Khan, son of Harun Khan,
19. Hena Khan @ Heno Khan, son of Harun Khan,

All residents of Village – Pandari P.S. Dhaka, District East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Abhishek Kumar and
Ms. Rashmi Jha, Advocates.
For the Opposite Party/s : Mr. Uma Nath Mishra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, in the present case, are seeking
anticipatory bail in connection with Dhaka P.S. Case No. 4/2017
registered for offences punishable under Sections 147, 148, 149,



341, 504, 506, 324, 323, 379, 325 and 307 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioners submits that although as many as 26 persons are named in the F.I.R. but the present application has been filed on behalf of those against whom there is no allegation of causing injury. It is further submitted that so far as petitioner no. 3 Majhar Khan is concerned, there is an allegation that he had assaulted and caused fracture of hand of the informant but the injury report does not show any fracture of hand.

Learned A.P.P. represent the State accepts that the factual position that except Majhar Khan, so far as other petitioners are concerned, there is no allegation of assault against them. The injury report shows that the doctor had reserved his opinion with respect to injury no. 2 and 3 and, therefore, it cannot be conclusively submitted that the allegation against Majhar Khan is not supported by injury report.

Considering the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners except petitioner no. 3 Majhar Khan.

The prayer for anticipatory bail with respect to petitioner no. 3 Majhar Khan is rejected.

In case of arrest or surrender of petitioners no. 1, 2, 4



to 19 within a period of four weeks from today, let petitioners no. 1, 2, 4 to 19 named above be enlarged on bail on their furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 4/2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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