

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36434 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Nadim Khan @ Monti, Son of Habibu Rahman,
2. Kyamuddin Khan, Son of Wahiuddin Khan,
3. Atahar Khan, Son of Mofi Khan,
4. Rinku Khan, Son of Rudal Khan,
5. Sonu, Son of Habibu Rahman,
6. Majhar Khan, Son of Mofi Khan,
7. Tinku Khan, Son of Rudal Khan,
8. Asif Khan, Son of Kasim Khan,
9. Ashraf Khan, Son of Nurul Khan,
10. Asgar Khan, Son of Nurul Khan,
11. Habibu Rahman, Son of Yasin Khan, null
12. Jhunna Khan, Son of Wahiuddin Khan, All residents of Village-
Pandari, P.S.- Dhaka, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-08-2017 Heard the parties.

The petitioners are apprehending their arrest in connection with Dhaka P.S.Case No.28 of 2017 registered for offences punishable under Sections 147, 148, 149, 323,448, 506, 324, 307, 380 and 427 of the Indian Penal Code.

Allegation against the petitioners is of assaulting on different persons, however, specific allegation is against the petitioner no.1 of assaulting by sword on the head of Sahida



Begum and allegation against the petitioner no.3 and 5 is of assaulting on Sahbaj Khan by '*Farsa*', however, submission of the learned counsel for the petitioners is that Sahida Begum has only one injury and the opinion has been kept reserved and that injury has been caused by one co-accused and not against the petitioners. They have been falsely implicated in this case due to election rivalry.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and such view of the matter, so far petitioner no.1 (Nadim Khan @ Monti) is concerned, I am not inclined to grant bail to the petitioner.

So far petitioner no.2 Kyamuddin Khan, petitioner no.3 Atahar Khan, petitioner 4 Rinku Khan, petitioner no.5 Sonu @ Sonu Khan, petitioner no. 6 Majhar Khan, petitioner no.7 Tinku Khan, petitioner no.8 Asif Khan, petitioner no.9 Ashraf Khan, petitioner 10 Asgar Khan, petitioner no.11 Habibu Rahman and petitioner no.12 Jhunna Khan, are concerned, in the event of their arrest or surrender before the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M.,



Sikrahana at Dhaka, East Champaran in connection with Dhaka
P.S.Case No.28 of 2017, subject to conditions as laid down
under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid direction, this application is
disposed of.

(Vinod Kumar Sinha, J)

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