

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.76448 of 2018

Arising Out of PS. Case No.-144 Year-2018 Thana- SATHI District- West Champaran

1. Rahamtullah Khan S/o Late Abdul Rahim Khan
2. Fajal Khan @ Faijal Khan @ Sugan S/o Rahamtullah Khan
3. Atulah Khan @ Jan @ Aitullah Khan @ Ataullah Khan S/o Rahamtullah Khan
4. Yusuf Khan S/o Rahamtullah Khan
5. Akhatar Khan S/o Rahat Hussain Khan

All five are R/o Village Barva Kala, P.S. Sathi, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State assisted by learned counsel appearing for the informant.

Petitioners apprehend their arrest in connection with Sathi P.S. Case No. 144/2018 registered for the offences punishable under Sections 147, 148, 447, 341, 323, 324, 307, 354(B), 379, 504 and 506 of the Indian Penal Code.

The petitioner No. 2 is said to have assaulted the injured twice by means of *Farsa* causing injury on his temple and cheek. The Annexure 3 to the petition goes to show that the injuries found on the cheek and right parietal region of injured were simple in nature. There is allegation against the remaining petitioners that they too assaulted the injured but except the



above stated injuries, no other injuries were found on the person of the injured. Moreover, there is case and counter case between the parties and it is claimed on behalf of the petitioners that it were prosecution party, who assaulted the family members of petitioners. Since there is case and counter case between the parties, the accusation of Section 354(B) of the IPC appears to be super addition.

Considering the aforesaid facts and circumstances as well as submissions of the parties, and also taking note of the fact that the petitioners do not have any criminal antecedents, this anticipatory bail petition is allowed and it is ordered that above-named petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in Sathi P.S. Case No. 144/2018 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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