

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25780 of 2019

Arising Out of PS. Case No.-29 Year-2017 Thana- DHAKA District- East Champaran

1. MOZAHID KHAN Son of Shoaib Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
2. Wajid Khan Son of Shoaib Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
3. Mamun Khan @ Jhamun Khan Son of Irshad Ahmad Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
4. Shabbir Khan Son of Late Ahmad Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
5. Safi Alam Khan Son of Late Ahmad Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
6. Khursid Khan Son of Hasib Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
7. Muski Khan Son of Okil Ahmad Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
8. Raju Khan Son of Habiburrahman Khan Resident of Village- Pandari, P.S.- Dhaka, District- East Champaran.
9. Aslam Khan Son of Shamim Khan Resident of Village- Chakwa, P.S.- Baiganiya, District- Sitamadhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-04-2019 Heard both sides.

The petitioners apprehend their arrest in Dhaka P.S.
case No. 29 of 2017 registered under Section 307, 380 and other
minor Sections of the IPC.

The informant altogether named 34 persons and



alleged that all the accused persons assaulted the informant and others.

The learned counsel for the petitioners submits that out of nine petitioners only Mozahid Khan, petitioner No.1, is alleged to have assaulted the uncle of informant but the learned Sessions Judge has not referred any injury found on the person of uncle of informant. It is further submitted that no specific allegation of assault is made against other eight petitioners. Had there been any grievous injury on the person of uncle of informant this fact might have mentioned in the FIR or submitted by the learned counsel for the State. It is further submitted that similarly situated three other accused persons, namely, Aurangzeb Khan, Raju Khan @ Raju Khan and Md. Nurain Khan have already been granted anticipatory bail vide order dated 22.02.2019 passed in Cr. Misc. No. 4594 of 2019. The case of petitioners stands on the same footing as no specific allegation of assault is made against petitioner Nos. 2 to 9.

Taking into consideration the facts that only Mozahid Khan, petitioner No.1, is said to have assaulted the uncle of informant with iron rod on his head but there is no repetition of blow and no injury is found on the person of uncle of informant, as per the order rejecting the prayer of petitioners for



anticipatory bail, and similarly situated accused have already been granted anticipatory bail, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Sikrahana, Dhaka in connection with Dhaka P.S. case No. 29 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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