

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79159 of 2018**

Arising Out of PS. Case No.-721 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

1. Faiyaj Khan and Ors Son of Jafar Khan
2. Shaif Ali Khan @ Shaif Ali Son of Farukh Khan
3. Md. Bablu Son of Late Nashir Khan All Resident of Village - Kunj, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Patel
For the Opposite Party/s : Mr.Sri Umeshnand Pandit

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 08-05-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw this bail petition on behalf of petitioner no.1 submitting that during pendency of this bail petition, petitioner No.1 Faiyaz Khan has been arrested.

Permission is granted.

Accordingly, this bail petition is dismissed against petitioner no.1 as withdrawn.

The petitioners No. 2 and 3 apprehend their arrest in connection with Bhabua P.S. Case No. 721 of 2018, for the offences punishable under Sections 147, 148, 149, 324, 307 of



the Indian Penal Code.

Petitioner No.2 Shaif Ali Khan @ Shaif Ali and petitioner No.3 Md. Bablu along with two other accused persons caught hold the informant and on the exhortation of accused Md. Punnu Khan and Md.Fiyaz Khan, accused Md. Sahil stabbed in the stomach of the informant.

Learned counsel for the petitioners submitted that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in the aforesaid case. They do not happen to be the assailant of the informant rather assailant is Md. Sahil. Allegations against these petitioners is that they caught the informant during course of occurrence. The aforesaid case is lodged by the informant against the petitioners only to save his skin from the case lodged by the co-accused Munnu Khan @ Garibbula Khan against the informant for committing loot and arson in his house by them. Besides other co-accused one of the accused who had caught the informant at the time of occurrence namely Md. Ayish Khan has been enlarged on anticipatory bail by co-ordinate Bench of this Court in CR. Misc. No. 79687 of 2018 vide order dated 25.01.2019.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Bhabua in connection with Bhabua P.S. Case No. 721 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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