

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32711 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- RAFIGANJ District- Aurangabad

1. Wakeel Khan @ Wakeel Ahmad Khan, Son of Late Md. Ajim Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
2. Ali Hassan Khan @ Ali Hassan Son of Late Anul Hassan Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
3. Saddam Khan @ Md. Saddam Son of Nabi Hassan Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
4. Alim Khan Son of Late Rahim Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
5. Md. Suhail Khan Son of Haisam Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
6. Wahid Ali Khan @ Prince Khan Son of Wakeel Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
7. Tanveer Khan Son of Nabihassan Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
8. Yasin Khan @ Babu Khan @ Md. Yasir Khan @ Yasir Khan Son of Wakeel Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.
9. Adil Khan Son of Late Husnain Khan Resident of Village-Sihuli, P.S.-Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr.Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of the informant and the learned

A.P.P. for the State.

The petitioners apprehend their arrest in

connection with Rafiganj P.S. Case no. 40 of 2019, registered

under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506

of the Indian Penal Code.



The accusation is that on 08.02.2019, petitioner No.1, Wakeel Khan @ Wakeel Ahmad Khan, petitioner No.2 Ali Hassan Khan @ Ali Hassan, petitioner No.3 Saddam Khan @ Md. Saddam along with Prince Khan, Amir Khan and Yasin Khan started to abuse Jiauddin Khan, brother-in-law of the informant Rajiya Parween in course of returning from Mazar. When Jiauddin Khan made protest then petitioner No.1 gave Farsa blow at his head then he fell down. Thereafter, Md. Mahajuddin Khan, father-in-law of the informant, rushed there on hearing hulla then he was also assaulted by Tanweer Khan (Petitioner No. 7) through iron rod, thereafter, all the petitioners caused assault to Jiauddin Khan and Mahajuddin Khan.

Learned counsel appearing on behalf of the petitioners submits that due to grudge and enmity, occurrence of Marpit took place in which both sides sustained injuries regarding which Rafiganj P.S. Case No. 41 of 2019, under Sections 147, 148, 149, 323, 324, 307, 341, 504 and 506 of the Indian Penal Code was instituted. Further submission is that the accused persons in counter case has already been allowed privilege of pre-arrest bail by a co-ordinate Bench of this Court on 15.05.2019 and 10.06.2019 vide Criminal Miscellaneous No. 32209 of 2019 and Criminal Miscellaneous No. 35543 of 2019.



On the other hand, learned counsel appearing on behalf of the informant submits that the injuries found on the head of the Jiauddin Khan and Mahajuddin Khan are grievous in nature and due to the seriousness, they were referred to ANMCH and the opinion of their head injuries has been kept reserved. Further submission is that petitioner No.3 Saddam Khan @ Md. Saddam is accused in Rafiganj P.S. Case No. 186 of 2013, but the said fact has not been detailed in paragraph No.3 of the petition.

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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 40 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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