

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47920 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- MIRGANJ District- Gopalganj

1. IMTEYAZ AHMAD @ IMTEYAZ KHAN, Son of Ushman Khan, Resident of Village - Balahatta Tole Birti, P.S.- Uchkagaon, District - Gopalganj.
2. Suhail Khan @ Sohail Khan, Son of Ushman Khan, Resident of Village - Balahatta Tole Birti, P.S.- Uchkagaon, District - Gopalganj.
3. Babuddin Khan, Son of Ushman Khan, Resident of Village - Balahatta Tole Birti, P.S.- Uchkagaon, District - Gopalganj.
4. Sahid Khan, Son of Imteyaz Ahmad @ Imteyaz Khan Resident of Village - Balahatta Tole Birti, P.S.- Uchkagaon, District - Gopalganj.
5. Sahnawaz Khan, Son of Imteyaz Ahmad @ Imteyaz Khan, Resident of Village - Balahatta Tole Birti, P.S.- Uchkagaon, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad, Adv.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, Adv.
For the Informant	:	Mr. Thakur Brajesh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Heard learned Counsel for the petitioners, informant and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Tunna Khan submitted before the Station House Officer, Mirganj Police Station is to the effect that on 13.04.2019 at 11.00 A.M. when the informant went to his



agricultural field to see his wheat crop, in the meantime, all the accused persons, including the petitioners, variously armed surrounded the informant whereupon petitioner no. 4 Saheed Khan gave knife blow on the neck of the informant, causing cut injury on the right side of the neck whereas petitioner no.1, Imteyaz Ahmad assaulted on the abdomen of the informant with a sickle, causing cut injury on his abdomen.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against petitioner nos. 1 and 4 and there is a counter version of the occurrence also being Mirganj P.S. Case No.86 of 2019 registered for the offences punishable under Sections 341/323/324/307/506/504/34 of the Indian Penal Code wherein both sides have received injuries and the injuries have been found simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner no.3 is not having any criminal antecedent whereas petitioner nos. 1, 2, 4 and 5 are accused in one other case being Mirganj P.S. Case No. 231 of 2014.

It is submitted by learned APP for the State the the petitioners are named in the FIR and there is specific accusation of assault against petitioner nos.1 and 4.

Considering the nature of accusation and the injuries



being not found grievous, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM-XVI, Gopalganj, in connection with Mirganj P.S. Case No.85 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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