

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53182 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. RAJA KHAN @ ABDUL WAHID KHAN Son of Hatim Khan @ Hasim Khan
2. Murshid Khan @ Mushid Khan Son of Shakuat Khan @ Showkat Ali Khan
3. Pyare Khan @ Musharraf Khan Son of Hatim Khan @ Hasim Khan
All 1 to 3 resident of Village- Rajanpura Muslim Toal (Tola Pur), P.S.- M.H. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-08-2019 Heard Mr. Anil Chandra, learned counsel for the petitioners, learned A.P.P. as well as Dr. Amarendra Kumar, learned counsel for the informant.

The petitioners apprehend their arrest in Hussainganj(M.H.Nagar) P.S. Case No.144 of 2019 registered under Section 307 and other minor Sections of the Indian Penal Code.

The informant named the petitioners along with ten other accused persons and alleged that all the accused persons assaulted his son with iron rod and stick. Rizwan Khan assaulted the son of the informant with iron rod and his son got



blood oozing injury on his head and also got injuries on hand, leg and back. Afsar Khan assaulted Saif Ali Khan causing fracture injury on his hand. When the informant went to save, Saif Ansari and Mr. Faiyaz also assaulted him with fist, slab and stick. When the informant fell down after having been injured, the accused persons took out Rs.20,000/- from his possession and Vicky Khan snatched chain made of gold from the neck of his son.

The learned counsel for the petitioners submits that specific allegation of assault is made against Rizwan Khan and Afsar Khan. Baitullah, son of the informant got two injuries on head and there is no other injury on the body of Baitullah. It is further submitted that Saif Ali Khan got only fracture injury in his hand. The author of the injury is Afsar Khan but it appears that of course there is no specific allegation of assault against the petitioners but all the petitioners have got criminal antecedent. Petitioner Nos.1 and 3 have got three criminal cases and petitioner No.2 has got four criminal cases pending against them.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioners and the fact that petitioners have got criminal antecedent, I am not inclined to



enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, learned court below shall consider the regular bail of the petitioners on its own merit without being prejudiced by the order of this Court and if possible, dispose of the case preferably on the same day.

(Prabhat Kumar Jha, J)

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