

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60425 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Gauhar Khan Son of Afroz Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
2. Sonu Khan Son of Gurfan Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
3. Haidar Khan Son of Firoz Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
4. Abdul Kadir Khan Son of Firoz Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
5. Taufique Khan Son of Farid Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
6. Saddam Khan Son of Amir Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
7. Parvez Khan Son of Daiyan Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
8. Faisal Khan Son of Muzib Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
9. Khurshid Khan Son of Murtuza Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
10. Munna Khan @ Munna Son of Harun Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar
11. Najib Khan @ Nazim Son of Barkana Khan Resident of Village - Biur, P.S. - Chainpur, District - Kaimur at Bhabua, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 15-10-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection



with Chainpur P.S. Case No. 161 of 2019 registered under Sections 147, 149, 341, 342, 323, 379, 307, 504 and 506 of the Indian Penal Code.

The accusation is that in the morning of 18.04.2019, informant, Binay Kumar Singh, was going to his village, in the way, Gauhar Khan (petitioner no.1), Sonu Khan (petitioner no.2), Haidar Khan (petitioner no.3), Abdul Kadir Khan (petitioner no.5) and Najib Khan (petitioner no. 11) along with Chotan Khan and Sardar Khan having iron rod and hockey stick in their hand surrounded him with intention to kill and commit loot. At that time, Haidra Khan (petitioner no.3) snatched his purse containing cash of Rs.29,000/-, ATM card, Adhar card and paper of the vehicle and Gauhar Khan (petitioner no.1) snatched his mobile. When he made protest then Chotan Khan and Najib Khan (petitioner no.11) caused injury at his head. In the meantime, they also snatched his two gold ring and gold chain. Thereafter, Taufique Khan (petitioner no. 5), Saddam Khan (petitioner no.6), Pravez Khan (petitioner no.7), Faisal Khan (petitioner no. 8), Khurshid Khan (petitioner no.9) and Munna Khan (petitioner no.10) also came there and asked to take him near Mosque then all started to drag him. In the meantime, he become unconscious and when he regain conscious then he



found himself at Trauma Centre, B.H.U.

Learned counsel for the petitioners submits that while seven injuries were found on the person of the informant but all injuries are simple in nature, except injury nos. 1 and 2, which were lacerated at the forehead on parietal region, which are said to be caused by Chotan Khan and Najib Khan (petitioner no.11), regarding which, opinion is kept reserved.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1 to 10, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 A.C.J.M.-II, Kaimur at Bhabua, in connection with Chainpur P.S. Case No. 161 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as pre-arrest bail of petitioner no. 11, namely, Najib Khan @ Nazin, is concerned, having considered the facts and circumstances of the case and the specific allegation against him, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 11 is directed to surrender before the



trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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