

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7557 of 2020

Arising Out of PS. Case No.-442 Year-2019 Thana- SHERGHATI District- Gaya

1. IMRAN KHAN Son of Ali Hasan Khan Resident of Village - Bhalua (Karmauni), P.S.- Dobhi, District- Gaya
2. Naushad Khan Son of Late Khurshid Khan Resident of Village - Bhalua (Karmauni), P.S.- Dobhi, District- Gaya
3. Nasim Khan Son of Mangru Khan Resident of Village - Bhalua (Karmauni), P.S.- Dobhi, District- Gaya
4. BabbaKhan @ Abuziya Khan Son of Afzal Khan Resident of Village - Bhalua (Karmauni), P.S.- Dobhi, District- Gaya
5. Devanand Das Son of Badan Das Resident of Village - Bhalua (Karmauni), P.S.- Dobhi, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Sherghati (Dobhi) P.S. Case No. 442/2019 registered under Sections 147, 148, 149, 341, 323, 337, 338, 307, 353, 333, 504, 506, 427, 153(A) of the Indian Penal Code.

At the outset, learned counsel for the petitioners submits that petitioner no. 1 namely Imran Khan, has already been arrested, hence this application on his behalf is



not pressed.

Learned counsel for the petitioners submits that so far petitioner nos. 2 to 5 are concerned, they have been named as members of the mob on the identification of the Chowkidar but there is no allegation that they have caused any injury to any police personnel. Learned counsel further submits that in fact the Chowkidar has named a large number of persons of the locality on mere suspicion.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that so far petitioner nos. 2 to 5 are concerned, though they have been named as members of the mob on the identification of the Mahal Chowkidar but there is no allegation that they have caused any injury to any police personnel and further submission that in fact the Chowkidar has named a large number of persons of the locality on mere suspicion;

In the facts and circumstances of the case, in the event of their arrest/surrender before the court below within



a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Sherghati, District – Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 442/2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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