

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8247 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- SASARAM MUFFSIL District- Rohtas

IRFAN KHAN @ MOHAMAD IRFAN KHAN S/o Late Sidik Khan Resident
of Village- Muradabad, P.S.- Sasaram (M), Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ajay Kumar Tiwari
For the Opposite Party/s :	Mr.Arun Kumar Singh
	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 19-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned APP appearing for the State as also the learned counsel appearing for the informant.

The petitioner apprehends his arrest in connection with Sasaram (Muffasil) P.S. Case No. 312 of 2019, for the offence punishable under Sections 302, 120B and 506 of the Indian Penal Code.

The case of the prosecution in brief is that on 25.09.2019 the informant as usual was accompanying her



husband for morning walk and she was walking about 10-15 feet behind her husband. It is alleged that one Scorpio vehicle had then hit her husband, which was being driven by the co-accused Sibbal Begh @ Meraj Beg and the brothers of the said Meraj Beg were sitting in the Scorpio. It is further alleged that the co-accused persons namely Pappu Beg, Jibbu Beg and Akhtar Beg had got down from the vehicle and hit the husband of the informant with rod, resulting in head injury on him, whereafter the husband of the informant died subsequently during the course of treatment.

The learned counsel for the petitioner has submitted that the the petitioner is innocent, has been falsely implicated in the present case and is having clean antecedent. It is further submitted that a bare perusal of the FIR would show that neither the petitioner was present at the place of occurrence nor any allegation has been levelled against the petitioner of having assaulted the husband of the informant and only in the last portion of the FIR, it has been alleged that 3-4 days back, the petitioner along with Pappu Beg and all his brothers as also one Mushtri Bibi had come to the house of the informant and threatened them to vacate the shop within two days, failing which the consequences would be very bad. It is thus submitted



that the petitioner is apparently having no complicity in the death of the deceased.

The learned A.P.P. appearing for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner has not been alleged to have assaulted the deceased nor he was present at the place of occurrence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 312 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C.

It is needless to state that for the purposes of proper investigation by the police, I deem it fit and proper to direct the



petitioner to appear before the S.H.O. of the concerned Police station at 10 A.M. on each and every Monday of the week for a period of two months from today and in the event to two consecutive defaults in making such attendance before the concerned S.H.O., the present privilege of bail shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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