

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22830 of 2020**

Arising Out of PS. Case No.-167 Year-2019 Thana- GOVINDPUR District- Nawada

1. SUBHAN KHAN @ MD. SUBHAN KHAN Son of Late Alam Khan Resident of Village-Bahiyara, P.S.-Govindpur, District-Nawada.
2. Imran Khan Son of Late Alam Khan Resident of Village-Bahiyara, P.S.-Govindpur, District-Nawada.

... .. Petitioners

Versus

1. The State of Bihar
2. Mehrun Nisha, wife of late Amin Khan, resident of village-Bahiyara, P.S.-Govindpur, District-Nawada.

... .. Opposite Partys

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha, Adv.
For the Opposite Party/s	:	Ms. Veena Kumari Jaiswal, APP
For the Informant	:	Mr. Bal Govind Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 13-11-2020 Since the informant has entered appearance through Mr. Bal Govind Sharma, learned Advocate (AOR No.339), let the informant be added as opposite party no.2. Learned counsel submits that he has filed vakalatnama in this case on 6th November, 2020. The same shall be brought on record.

Heard learned counsel for the petitioners, learned counsel for the informant and Ms. Veena Kumari Jaiswal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Govindpur P.S. Case No.167/2019 registered for the offences punishable under Sections 341, 323, 324, 308, 379 and 504/34 of the Indian Penal Code.



Learned counsel for the petitioners submits that the allegations against the petitioner no.1 is that he had assaulted the daughter of the informant by a knife on her right temporal region above right ear Pinna. The opinion on the nature of the injury has been reserved. So far as petitioner no.2 is concerned, the allegation against him is that he had assaulted by hockey stick but there is no injury of hockey stick. It is submitted that in fact the petitioners and the informant's side are close-door neighbours and they had a dispute over opening of the windows and in the process of quarrel they had got involved in four criminal cases with each other, but with the intervention of the well-wishers now they have decided to settle all their disputes and live peacefully. It is submitted that these two petitioners are accused in the case mentioned in paragraph '3' which was lodged by the same informant and the petitioners are on bail in the said case.

Mr. Bal Govind Sharma, learned counsel representing the informant has also submitted that now the informant and the petitioners have settled their disputes and it would be in the interest of both the sides that this issue is allowed to be closed for which they have taken appropriate steps in the court below. In the meantime, he does not oppose the prayer for anticipatory



bail of the petitioners.

Learned APP for the State is also present and has submitted that this Court may pass an appropriate order keeping in view the interest of the parties in the nature of the allegations mentioned in the First Information Report.

Having regard to the facts and circumstances of the case and the submissions on behalf of the parties particularly that now the parties have settled their disputes, they are close-door neighbours and the informant is not opposing the prayer for anticipatory bail of the petitioners, let the petitioners in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nawada in connection with Govindpur P.S. Case No.167/2019, subject to the 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

