

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25441 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. JAMALUDDIN KHAN @ JAMALU KHAN Resident of Village- Ujari Sikathi, P.S.- Bhabua, District- Kaimur at Bhabua.
2. Salin Khan @ Khalil Khan @ Salim Khan Son of Jamaluddin Khan @ Jamlu Khan Resident of Village- Ujari Sikathi, P.S.- Bhabua, District- Kaimur at Bhabua.
3. Samir Khan Son of Jamaluddin Khan @ Jamlu Khan Resident of Village- Ujari Sikathi, P.S.- Bhabua, District- Kaimur at Bhabua.
4. Sheru Khan Son of Jamaluddin Khan @ Jamlu Khan Resident of Village- Ujari Sikathi, P.S.- Bhabua, District- Kaimur at Bhabua.
5. Tamir Khan @ Taumir Khan Son of Jamaluddin Khan @ Jamlu Khan Resident of Village- Ujari Sikathi, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 16-10-2020 In view of the submission and the undertaking of the learned counsel for the petitioners, at the time of hearing of this application through video conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 21.09.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.



The petitioners apprehend their arrest in connection with Bhabua P.S. Case no. 150 of 2020, registered under Sections 341, 323, 324, 307, 447 and 504/34 of the Indian Penal Code.

The accusation is that marriage of Samshin Khatoon, daughter of informant Nuraisha Bibi, was performed with Jalil Khan, son of Jamaluddin Khan (Petitioner No.1), resident of village- Ujari Sikathi, but after marriage Jamaluddin Khan and his other sons and daughters started torturing her daughter and son-in-law and due to that reason, both left the village and went to Bombay for their livelihood. After sometimes, both returned from Bombay, but they were abused due to that reason, both came to the house of informant and started living with her. On 06.03.2020, Jamaluddin Khan (Petitioner No.1), Khalil Khan, Samir Khan (Petitioner No.3), Seikh Khan and Tamir Khan (Petitioner No.5) having Lathi, Garansa, knife etc. in their hands came and started to abuse. On hearing hullah, Sahid Khan came and forbade them to abuse then Sonu Khan came with Garasa and caused injury to her son, Khalil Khan husband Sarafat Khan through Garansa, Samir Khan (Petitioner No.3) caused injury through knife at the head of her son, Sakina, Yashmani Begam and Salau Khan



also caused injury by pelting bricks. At that time, Salau Khan laid her son on the ground and all caused injury to him.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that petitioner No.1, 2, 3 and 4 are not assailants, while allegation has been made against Khalil Khan to caused injury to Kalid Khan, son of informant, through knife, but only three injuries were found out of which two injuries are lacerated and third injury is complaint of whole body pain. Further submission is that, in fact, due to family dispute, the petitioners have falsely been implicated in this case. Further submission is that petitioner No.1 Jamaluddin Khan and Petitioner No.2 Salin Khan are accused in Bhabua Complaint Case No. 141 of 2016, registered under Section 323 of I.P.C. in which both are on bail. The petitioner No.1 Jamaluddin is also accused in Bhabua P.S. Case No. 249 of 2018 in which he is on bail and both cases are lodged by the informant and her family members.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 Chief
Judicial Magistrate, Kaimur at Bhabua in connection with
Bhabua P.S. Case No. 150 of 2020, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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