

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30044 of 2020

Arising Out of PS. Case No.-421 Year-2019 Thana- SASARAM NAGAR District- Rohtas

1. TAUFIK KHAN S/o Taukir Khan R/o Mohalla-Bara Sheikhpura, P.S.-Sasaram (T), District-Rohtas
2. Farhan Ali Khan @ Farhan Khan S/o Masit Khan R/o Mohalla-Bara Sheikhpura, P.S.-Sasaram (T), District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-12-2020

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.

Heard the learned counsel for the petitioners and Sri Uday Pratap Singh, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sasaram (Town) PS case no. 421 of 2019 registered for the offences punishable under Sections 307 and other allied sections of Indian Penal Code.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioner no. 1, hence the present petition *qua* the petitioner no. 1 stands



dismissed as not pressed.

The case of the prosecution in brief according to the informant is that on 17.05.2019 at about 7 O'clock, while he was going to offer prayer in the nearby Mosque, 20-25 persons had arrived, variously armed, with the intention of killing Zishan Khan, whereafter they had caught the victim and started assaulting him. It is further alleged that when the residents of Sherganj went to rescue the victim, the petitioners had also assaulted one Imran Khan with the butt of pistol on his head.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further submitted that the present case arises of case and counter case and the injuries found on the person of the informant are simple in nature. The learned counsel for the petitioners has also submitted that the case filed by one Babar Khan, who was also assaulted by the informant and his associates is first in time, inasmuch the same has been registered as Sasaram (Town) PS case no. 420 of 2019 whereas the present case has been registered as Sasaram (Town) PS case no. 421 of 2019 and both are dated 17.05.2019.

Per contra, the learned APP for the State has vehemently



opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner no. 2 is having a clean antecedent, the present case arises out of case and counter case as also the injury received by Imran Khan is simple in nature, I deem it fit and appropriate to admit the petitioner no. 2 to the privilege of anticipatory bail. Accordingly, the petitioner no.2, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Rohtas at Sasaram in connection with Sasaram (Town) PS case no. 421 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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