

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80847 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- MIRGANJ District- Gopalganj

1. BANTI KHAN Son of Ashraf Khan Resident of Village - Basatpur, P.S.- Mirganj, District - Gopalganj.
2. Ayub Khan Son of Daroga Khan Resident of Village - Basatpur, P.S.- Mirganj, District - Gopalganj.
3. Imtiyaz Ahmad Son of Rizwan Khan @ Lalu Khan Resident of Village - Basatpur, P.S.- Mirganj, District - Gopalganj.
4. Irfan Khan Son of Rizwan Khan @ Lalu Khan Resident of Village - Basatpur, P.S.- Mirganj, District - Gopalganj.
5. Raju Khan Son of Mithu Khan Resident of Village - Basatpur, P.S.- Mirganj, District - Gopalganj.
6. Jhunna Khan Son of Late Late Abdul Hamid Khan Resident of Village - Yadopipra, P.S.- Hathua, District - Gopalganj.
7. Md. Firoz Alam @ Firoz Alam Khan @ Baccha Babu Son of Late Jainuddin Khan Resident of Village - Yadopipra, P.S.- Hathua, District - Gopalganj.
8. Waris Raja Khan @ Waris Raja @ Sibu Khan Son of Jhunna Khan Resident of Village - Yadopipra, P.S.- Hathua, District - Gopalganj.
9. Zishan Raja Khan @ Zishan Raja @ Raja Babu Son of Qyamuddin Khan Resident of Village - Yadopipra, P.S.- Hathua, District - Gopalganj.
10. Azhar Raja Khan @ Azhar Raza Son of Tunna Khan Resident of Village - Yadopipra, P.S.- Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 18-01-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 7 since he has already been arrested and the present petition has become infructuous.



Accordingly, the present petition qua the petitioner no. 7 stands dismissed as not pressed.

The learned counsel for the petitioners also seeks to withdraw the present petition qua the petitioner no. 2 in order to enable him to surrender before the learned court below and seek regular bail. Accordingly, the present petition qua the petitioner no. 2 stands dismissed.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mirganj P.S. Case No. 128 of 2019 for the offence registered under Sections 341, 323, 147, 148, 149, 435, 427, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioners herein having arrived at the field of the informant whereafter they are stated to have fired gun shots and assaulted the informant as also had set the grains on fire.

The learned counsel for the petitioners has submitted that as far as setting the grains on fire is concerned, the specific allegation is on the petitioner no. 2. Lastly, it is submitted that as far as other petitioners are concerned, no specific allegation



of any overt act has been levelled by the informant and the fact is that there is no injury report on record of the case diary. It is further submitted that the present case arises out of case and counter case inasmuch as a complaint case has also been filed on behalf of the petitioners pertaining to the said occurrence. Lastly, it is submitted that the petitioners no. 1, 3 and 5 are having clean antecedents while the rest of the petitioners i.e. petitioners no. 4, 6 to 10 are accused in one another case, however, the same has also been filed by the informant and the petitioners are on bail in the said case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners coupled with the fact that there is no injury report on the record of the case diary and no specific allegation of any sort of overt act has been levelled as against them, I deem it fit and proper to admit the petitioners no. 1, 3 to 6 and 8 to 10 herein on anticipatory bail.

Accordingly, the *petitioners no. 1, 3 to 6 and 8 to 10, above named*, are directed to be released on anticipatory bail in the event of their arrest/surrender before the 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 learned Additional Chief
Judicial Magistrate-XVI, Gopalganj in connection with Mirganj
P.S. Case No. 128 of 2019 subject to the conditions as
stipulated under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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