

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72978 of 2019

Arising Out of PS. Case No.-372 Year-2019 Thana- KESARIA District- East Champaran

1. RAFIQUE KHAN S/o Late Kalim Khan R/o village- Bathana, P.S.- Kesariya, District- East Champaran
2. Shamim Khan W/o Late Kalim Khan R/o village- Bathana, P.S.- Kesariya, District- East Champaran
3. Samir Khan S/o Rafique Khan R/o village- Bathana, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioners, informant and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Naseem Ahmad Khan submitted before the Station House Officer, Kesariya Police Station is to the effect that on 28.07.2019 and 29.07.2019 at about 8.30 A.M. when the informant was going to his *bathan*, all the petitioners and other unknown co-accused assaulted on the head of the informant with a sharp cut weapon and petitioner no.3, Samir Khan took away cash amount of Rs.5000/- from the pocket of the



informant.

It is submitted by learned counsel for the petitioners that the accusation of assault is omnibus and general against all the petitioners and accusation of taking away Rs.5000/- from the pocket of the informant by petitioner no.3 is cosmetic in nature. Moreover, the injury has been found simple in nature. It is further submitted that on 29.07.2014, the informant's side assaulted the father of petitioner no.1, Kamil Khan who subsequently died during course of treatment, leading to registration of Kesariya P.S. Case No. 376 of 2019, levelling accusation under Section 302 of the I.P.C against the informant. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned counsel for the informant and learned APP for the State that the accusation of assault is omnibus and general and injury has been found simple in nature.

Considering the accusation of assault being omnibus and general and injury being found simple in nature coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event



of arrest or surrender before the learned Court below within a period of 12 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 CJM, East Champaran at Motihari, in connection with Kesariya P.S. Case No.372 of 2019 (G. R. No. 5665 of 2019), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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