

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27001 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- BUXAR District- Buxar

1. Akib Khan S/o Sabban Khan Resident of Village- Barki Sarimpur Pacchim Muhalla, Ward No.1, P.S-Buxar Industrial, District- Buxar.
2. Lukki Khan S/o Sabban Khan Resident of Village- Barki Sarimpur Pacchim Muhalla, Ward No.1, P.S-Buxar Industrial, District- Buxar.
3. Shahid Khan @ Raja Khan @ Raja S/o Jafir Khan @ Netu Resident of Village- Badki Sarimpur, P.S-Buxar Industrial, District-Buxar.
4. Touhid Khan @ Kalu S/o Jafir Khan @ Netu Resident of Village- Badki Sarimpur, P.S- Buxar Industrial, District-Buxar.
5. Anam Khan S/o Md. Hasan Khan Resident of Village- Barki Sarimpur Pacchim Muhalla, Ward No.1, P.S-Buxar Industrial, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate
For the State : Mr. Atul Chandra APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

Petitioners apprehend their arrest in connection with Buxar Nagar PS Case No 101 of 2020 instituted for the offence under Section(s) 341,323,427,353,504 and 506/34 of the Indian



Penal Code.

The police personnel have detained a vehicle carrying sand. It is alleged that the petitioners and other co-accused persons have thereafter come to the place of occurrence and assaulted the police personnel and taken away mobile and some belongings of the police personnel.

The counsel for the petitioners' submits that the petitioners bear no criminal antecedents and their implication is on extraneous consideration. The co-accused, Jaiki Khan against whom there was a specific allegation of assault has been allowed anticipatory bail in Cr. Misc No. 26738 of 2020. The claim of anticipatory bail is also made on the ground of parity.

The learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners before the court below, named above, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the CJM Buxar, in connection with Buxar Nagar PS Case No 101 of 2020, subject to the



conditions as laid down under Section 438(2) Cr. P. C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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