

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24823 of 2020

Arising Out of PS. Case No.-239 Year-2020 Thana- WAJIRGANJ District- Gaya

1. Liter Khan @ Lidar Khan Son of Late Halim Khan Resident of Village-Madaradi, Police Station- Wazirganj, District-Gaya.
2. Sahwaj Khan @ Shabaz Khan Son of Late Halim Khan Resident of Village-Madaradi, Police Station- Wazirganj, District- Gaya.
3. Nadeem Khan @ Nadim Khan Son of Late Halim Khan Resident of Village-Madaradi, Police Station- Wazirganj, District-Gaya.
4. Ajam Khan Son of Late Moktar Khan Resident of Village-Madaradi, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Adv. Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s :		APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Wazirganj P.S. Case No.239 of 2020, registered under sections 341, 448, 323, 308, 504, 506 and 34 of the Indian Penal Code.

As per allegation in the F.I.R. it is stated that over a minor dispute, the five named accused persons including the



four petitioners herein started to abuse the informant, entered his house and assaulted him brutally with *lathi* and *danda*. It is further stated that on her husband coming to her rescue, he was also assaulted with *lathi*, *danda* and rod.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. The occurrence has not taken place in the manner as alleged. The injury report of the informant is not even available in the case diary. So far as the injury report of the husband of the informant is concerned, as against brutal assault by five persons by *lathi* and *danda*, single incised wound has been found. Though the same has been opined to be grievous in nature, it cannot be attributed to the petitioners or the accused in the F.I.R.. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State who submits that not only the petitioners are named in the F.I.R. but there is direct allegation against the petitioners of having assaulted the informant and her husband.

Having heard learned counsel for the parties and the submissions made on behalf of the petitioners together with the allegations in the F.I.R. and the injury report, this Court is inclined to enlarge the petitioners on bail. The petitioners are



directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Wazirganj P.S. Case No.239 of 2020, they will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- 1st , Gaya, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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