

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17561 of 2021

Arising Out of PS. Case No.-334 Year-2020 Thana- BARHARIA District- Siwan

1. SARWER KHAN S/O LATE IDRISH KHAN R/O VILLAGE KAILGARH BAZAR, P.S.-BARHARIA, DISTRICT-SIWAN.
2. MINTU KHAN S/O LATE IDRISH KHAN R/O VILLAGE KAILGARH BAZAR, P.S.-BARHARIA, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Barharia P.S. Case No. 334/2020 instituted for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

One Pappu Khan, the brother of the petitioners is said to have fired from his weapon, hitting the informant in his palm. The occurrence has taken place, according to the subject F.I.R., when the informant and his uncle tried to intercede between Pappu Khan and Anil Sah, who were



fighting amongst each other.

The informant of this case is the co-villager of the petitioners and Pappu Khan.

The petitioners have a different story to narrate.

Apart from the fact that they are not alleged to have opened fire or to have caused any injury to the victim, it has been stated that their brother /Pappu Khan had filed a case against the informant of the subject F.I.R. and had alleged that he along with several other persons had ransacked his shop.

The learned counsel for the petitioners has further submitted that the petitioners are only alleged to have assaulted the informant / victim with fists and slaps, which is not being reflected from the injury report of the victim.

The two cases referred to above were lodged on the same day and the learned counsel for the petitioners has submitted that there could be a possibility of some dispute other than what has been narrated in the two F.I.Rs, having taken place where both the sides clashed against each other.

Considering this background facts and taking into



account that the petitioners are not alleged to have caused any injury to anyone of the victims, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1st Class, Siwan, in connection with Barharia P.S. Case No. 334/2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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