

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25724 of 2021

Arising Out of PS. Case No.-112 Year-2020 Thana- HATHUA District- Gopalganj

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1. ZISHAN RAJA @ ZISAN KHAN @ RAJA BABU @ RAJA KHAN @ ZISAN RAJA SON OF QEYAMMUDIN KHAN RESIDENT OF VILLAGE- YADO PIPRA, P.S.- HATHUA, DISTRICT-GOPALGANJ
 2. WARISH RAJA @ WARIS RAJA @ SIBBU @ SHIBBU SON OF JHUNNA KHAN RESIDENT OF VILLAGE- YADO PIPRA, P.S.- HATHUA, DISTRICT-GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-05-2022 Heard Mr. Md. Sufyan, learned Advocate for the
petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Hathua P.S. Case No. 112 of 2020 dated 17.11.2020 instituted for the offences under Sections 147, 148, 149, 323, 436 and 307 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The petitioners and others are said to have taken part in the assault. However, the specific act of assaulting the informant is on one Firoz Khan.

This Court finds that the informant has received



only simple injuries, though on the vital portion of his body. So far as the petitioners are concerned, there is no specific accusation against them.

It has been submitted that the petitioners are agnates of the informant with whom there is a prior litigation. The mother of the informant viz. Sahani Khatoon had filed a Partition Suit No. 139 of 2017 in which the father and mother of the petitioners were defendants, which case is still pending adjudication before the competent court. Because of the family property, the petitioners have been made accused at the instance of the informant and his other family members. The details of which cases have been listed in paragraph-3 of the bail petition.

Considering the background facts of enmity and the petitioners not being the authors of the injury on the person of the informant, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S.



Case No. 112 of 2020, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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