

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37027 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- FATEHPUR District- Gaya

1. QUASIM KHAN @ ASIM KHAN Son of Late Rasul Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.
2. Md. Naushad Khan Son of Munib Khan @ Munif Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.
3. Guddu Khan @ Md. Guddu Son of Ganni Khan @ Ghani Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.
4. Kalim khan Son of Quasim Khan @ Asim Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.
5. Azad Khan Son of Munib Khan @ Munif Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.
6. Samsad Khan @ Shamshad Khan Son of Munib Khan @ Munif Khan Resident of Village- Bahsa Pipra, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-05-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to
remove the defect(s), as pointed out by the Office, within a
period of four weeks.

Learned counsel for the petitioners seeks permission
of the Court to withdraw the present application in respect of
petitioner nos. 1 and 4 as they have been taken into judicial



custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner nos. 1 and 4.

The petitioner nos. 2, 3, 5 and 6 are apprehending their arrest in a case registered under Sections 341, 323,, 324, 307, 504, 506 and 34 of the Indian Penal Code.

The prosecution allegation, in short, is that the accused persons assaulted the informant and family members due to which they sustained injuries.

It has been submitted on behalf of the petitioner nos. 2, 3, 5 and 6 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2, 3, 5 and 6. The petitioner nos. 2, 3, 5 and 6 have falsely been implicated in the present case. There is a case and counter case between the parties. A free fight is alleged to have taken place. The injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner nos. 2, 3, 5 and 6 are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioner nos. 2, 3, 5 and 6, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- X, Gaya in connection with Fatehpur P.S. Case No. 257/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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