

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28632 of 2022**

Arising Out of PS. Case No.-194 Year-2020 Thana- SANGRAPUR District- East
Champaran

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ARBAJ KHAN Son of Naushad Khan Resident of Village - Dariyarpur,
Police Station- Sangrampur, District - East champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 324, 307, 427,
379, 504, 34 of the Indian Penal Code.

According to prosecution case, as per written
application of the informant namely, Afsana Khatoon to the
police alleging therein that the son of the informant namely
Sahid Eqbal Khan running Consumer Service Centre of Fino
Payment Bank at her residence in which her younger son also
Assistant his elder brother. On 05.08.2020, when her younger



son Jahid Eqbal was working then all the F.I.R. named accused persons including the petitioner entered in the bank and started loot on the point of knife. Nisar Khan pointed knife blow on the neck of Jahid Eqbal and took Rs.2,68,000/- cash when the informant came to rescue then Imran Khan inflicted knife blow upon the informant which hit on her head. In the meantime Arbaz Khan inflicted hammer blow on the head of the informant by which she sustained serious injury. The accused persons looted entire money of the bank and other articles also worth Rs.70,000/- and destroyed the same.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the present case is counter blast of Sangrampur P.S. Case No. 188 of 2020 filed by the father of the petitioner against the informant and his family members. He further submits that as per F.I.R. there is specific allegation against the petitioner is that he is inflicted hammer blow on the head of the informant Afsana Khatoon. He further submits that the injury sustained by the informant is not corroborated with the allegation leveled in the F.I.R. He further submits that the father of the petitioner has moved an application before the Civil Surgeon, East



Champaran, Motihari for constitution of Medical Board to examine the injured person. He further submits that pursuant to the application moved by the father of the petitioner and the medical board constituted and notice has been issued to the injured persons but in spite of repeated notices issued by Civil Surgeon did not turn up before the Medical Board. He further submits that the injury is simple in nature but with the malafide intention he shows that the injury is grievous in nature. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sangrampur P.S. Case No. 194 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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