

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49719 of 2022

Arising Out of PS. Case No.-607 Year-2020 Thana- NAGAR District- Vaishali

1. MD MUZZAMMIL KHAN @ MUZMIL KHAN S/o Kalim Khan Resident of Bauli Pandriba, P.S.- Hajipur Town, District- Vaishali.
2. Akif Amber Khan @ Asif Akber Khan @ Sunny Khan S/o Kalim Khan Resident of Bauli Pandriba, P.S.- Hajipur Town, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Petitioners apprehend their arrest in a case registered for offence punishable u/s 147, 148, 149, 448, 354, 380, 323, 427, 504 and 325 of the IPC.

Allegedly, the accused persons named in F.I.R. including the petitioners variously armed with weapons, forcibly entered the house of the informant and started abusing the informant and his family. They assaulted the informant's side. Petitioner no.1 and co-accused Taha Khan misbehaved with his daughter and



with an intention to kill her, assaulted her with a wooden stick. Petitioner no.2 is alleged to have snatched away gold chain from the neck of Shafia Aman Khan.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. Only one injury was found on the body of informant's son which was simple in nature. So far as injury on the body of informant's daughter is concerned, the doctor found only one injury which is abrasion on right hand. With respect to her claim regarding pain in lower abdomen, her gynecological examination was done and the doctor did not find any visible injury. Since, the victim was not satisfied with her medical reports, a medical board was constituted for her examination, consisting of 7 doctors. The board of doctors on basis of her physical examination and detail evidence came to the conclusion that report of doctor at Sadar Hospital Hajipur (Annexure-2) is correct and her injury was simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Hajipur Town P.S. Case No.607 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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