

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8316 of 2021

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

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1. Imran Khan Son Of Naushad Khan Resident Of Village-Dariyapur, P.S.- Sangrampur, East Champaran.
 2. Arbaj Khan Son Of Naushad Khan Resident Of Village-Dariyapur, P.S.- Sangrampur, East Champaran.
 3. Shahbaj Khan Son Of Naushad Khan Resident Of Village-Dariyapur, P.S.- Sangrampur, East Champaran.
 4. Neshar Khan Son Of Late Nejam Khan Resident Of Village-Dariyapur, P.S.- Sangrampur, East Champaran.
 5. Naushad Khan Son Of Late Nejam Khan Resident Of Village-Dariyapur, P.S.-Sangrampur, East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-03-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Jai Narain Thakur, learned APP for the State.

The petitioner nos. 3 and 5 have already been granted pre-arrest bail vide order dated 13.12.2021.

Now, after receipt of the case diary the case of petitioner nos. 1, 2 and 4 are under consideration.

The petitioner nos. 1, 2 and 4 in the present case are



seeking pre-arrest bail in connection with Sangrampur P.S. Case No. 194 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 427, 379, 504/34 of the Indian Penal Code. They have no criminal antecedent.

As per the prosecution story, the accused persons who were 5 in numbers had entered into the premises of the son of the informant who was running a Fino Payment Bank known as Customer Service Centre. It is alleged that all the 5 accused persons started looting away the said Customer Service Centre, the petitioner no. 4 Neshar Khan was having a knife in his hand and assaulted on the neck of the son of the informant and took away a sum of Rs.2,68,000/-. It is further alleged that when the informant reached there to save her son, petitioner no. 1 assaulted her by a knife on her head causing bleeding injuries on her head. It is then alleged that petitioner no. 2 assaulted the informant by a hammer on her head and caused her grievous injuries. It is further alleged that the accused persons looted away the articles and a cash of Rs.10,000/-.

Learned counsel for the petitioner submits that the present case is a counter blast of the Sangrampur P.S. Case No. 188 of 2020 lodged on 05.08.2020 for the offences under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal



Code. This case was lodged by petitioner no. 5 against the son and other family members of the informant for their alleged acts on 29.07.2020. The present case has been lodged 5 days after the case was lodged by petitioner no. 5.

Learned counsel further submits that the injury report of the informant and her son do not support the assault by the kind of weapons attributed to petitioner no. 1 and petitioner no. 4. It is alleged that they were having knife in their hand but no sharp-cut injury has been found on the body of the informant and her son. The informant and her son have suffered injuries which are said to have been caused by hard and blunt substance and at one stage in the FIR, the informant has herself alleged that it was petitioner no. 2 who had assaulted her by hammer on her head causing bleeding injuries.

Mr. Jai Narain Thakur, learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner nos. 1, 2 and 4 but in course of submission, learned APP accepts that neither the informant nor her son has suffered any sharp-cut injury.

Having regard to the submissions noted hereinabove and the materials placed before this Court from which it appears that no sharp-cut injuries have been found on the body of the informant and her son, the allegations leveled against



petitioner nos. 1 and 4 are not getting substantiated, they are also not having any criminal antecedent and their presence may be secured in course of trial, therefore, this Court directs that the petitioner nos. 1 and 4 above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing of bail bond of Rs.25,000/- (twenty five thousand only/-) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14th, East Champaran, Motihari in connection with Sangrampur P.S. Case No. 194 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 1 and 4 and in case at any stage it is found that the petitioner nos. 1 and 4 have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner nos. 1 and 4. 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.

So far as petitioner no. 2 is concerned, there is an allegation that he had assaulted the informant and her son by hammer and the injuries suffered by the victims are supporting allegation against petitioner no. 2 who was having a hammer in his hand and had assaulted both the victims, therefore, this Court is not inclined to grant privilege of pre-arrest bail to petitioner no. 2.



The prayer for pre-arrest bail of petitioner no. 2 is, thus,
refused.

If petitioner no. 2 surrenders and prays for regular bail
in the learned court below within a period of four weeks from
today, his prayer for regular bail shall be considered on its own
merit without being prejudice by the order of this Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

