

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9800 of 2021

Arising Out of PS. Case No.-284 Year-2020 Thana- SHERGHATI District- Gaya

Md. Soaib Khan @ Soaib Khan @ Md. Shoaib Khan, aged about 28 years,
Male, Son Of Hashim Khan @ Md Hashim Khan, Resident of Village -
Karmauni, P.S.- Dobhi, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party : Mr. Sudhir Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Sherghati (Dobhi) P.S. Case No. 284 of 2020 for the
offence registered under Sections 147, 149, 341, 323, 384, 307
and 504 of the I.P.C.

The prosecution story, in brief, is that on 15.06.2020
at about 8.30 P.M., when the sons of the informant were at their
home, accused persons alongwith other unknown accused came
and tried to enter into the house of the informant. The sons of



the informant opposed them then the accused persons started abusing and threatened them to kill for not complying with the demand of extortion money. Co-accused Rashid Khan assaulted on the head of Md. Sahid, (the son of the informant) by *Lathi* and co-accused Pappu Khan assaulted on the head of Md. Mustafa (second son of the informant) by *Lathi*. When the informant came to save his sons then Soaib Khan (petitioner) assaulted on his head and the chest with the *butt* of *Katta* resultantly both the sons of the informant and the informant himself got head injuries. After hearing hulla, when the people gathered then the accused persons fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. Nature of injury is said to be simple. Subsequently, the informant has filed a petition in the learned court below where he has retracted from his earlier statement made in the F.I.R. The said application is Annexure-2 to the supplementary affidavit filed on behalf of the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sherghatti (Gaya), in connection with Sherghati (Dobhi) P.S. Case No. 284/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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