

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.63777 of 2021**

Arising Out of PS. Case No.-36 Year-2021 Thana- AURANGABAD COMPLAINT CASE  
District- Aurangabad

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KHALIL KHAN @ MD KHALIL KHAN Son of Mazid Khan Resident of  
Village - Muslimabad Haspura, P.S.- Haspura, Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MD SHAMSHAD KHAN Son of Md. Israil Khan Parmanent Resident of  
Village - Haspura Dih, P.S.- Haspura, Distt.- Aurangabad. At Present-  
Muslimabad, H/o Ajmeru Khan , P.S.- Haspura, Distt.- Aurangabad.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar  
For the Opposite Party/s : Mr.Upendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      15-06-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

The petitioner apprehends his arrest in connection  
with Complaint Case no. 36 of 2021 in which learned  
Magistrate has taken cognizance under sections 323, 341, 504,  
506, 509, 354 and 380/34 of the Indian Penal Code against the  
petitioner.

The main submission advanced by learned counsel  
for the petitioner is that the informant Md Shamshad Khan filed  
complaint case and after two days lodged Haspura P.S. Case no.  
29 of 22021 in respect of the same occurrence and in the F.I.R,



he did not make any allegation against the petitioner and even petitioner was not named in the FIR while occurrences relating to the complaint as well as FIR relate to the same incident and moreover, as per allegation made in the complaint, petitioner is alleged to have instigated other co-accused persons and against whom there is no any allegation to assault the prosecution party. Further submission is that the petitioner is dafadar in Madhya Bihar Gramin Bank at Piru and he was on duty on the date of occurrence and sufficient documents have been filed in support of his claim.

Learned APP opposes the prayer for anticipatory bail.

Having considered the above submissions and mainly contradiction brought to the notice of the court by the petitioner in respect of role of the petitioner appearing from the prosecution story of the complaint and the prosecution story of the FIR which was lodged for the same incident, in my view, lenient approach may be taken. Let the above named petitioner, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Akhilesh Pratap Singh, Judicial Magistrate, Ist Class, Daudnagar District Aurangabad in connection with Complaint



Case no. 36 of 2021 subject to condition as laid down under  
section 438(2) Cr.P.C.

**(Shailendra Singh, J)**

s.hassan/-

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