

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14822 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. FAIYAZ AHMAD Son of Late Mannan Khan R/V- Sohpur, Singdaha, P.S- Jhanjharpur (A.s.O.P) Dist- Madhubani
2. Karun Khan @ Md. Hannan Khan Son of Late. Jalil Khan R/V- Sohpur, Singdaha, P.S- Jhanjharpur (A.s.O.P) Dist- Madhubani
3. Rahmatullah Khan Son of Shabbir Khan R/V- Sohpur, Singdaha, P.S- Jhanjharpur (A.s.O.P) Dist- Madhubani
4. Imran Khan Son of Late. Zahiruddin Khan R/V- Sohpur, Singdaha, P.S- Jhanjharpur (A.s.O.P) Dist- Madhubani
5. Miraj Khan Son of Late. Zahiruddin Khan R/V- Sohpur, Singdaha, P.S- Jhanjharpur (A.s.O.P) Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 It has been submitted by the learned Counsel for the petitioners that during the pendency of the petition, petitioner no. 4 (Imran Khan) and petitioner no. 5 (Miraj Khan) have been arrested and as such, their petition has become infructuous.

Heard Mr. Iqbal Asif Niazi, learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest in connection with Jhanjharpur (A.S.O.P.) P.S. Case No. 192 of 2022 for the offence registered under sections 147, 448, 341, 323, 327,



354(A), 427, 379, 504, 308 and 506 of the Indian Penal Code lodged on 28.08.2022 by the informant, Rayeesa Khatoon.

The prosecution case, in brief, is that one Rayeesa Khatoon gave a written information to the Officer in charge of Jhanjharpur (A.S.O.P) P.S alleging therein that on 28-08-2022 at about 9:30 A.M. in the morning while the informant and her daughter-in-law (Gulsa Khatoon) were cooking, altogether 12 named accused persons including the petitioners and 20-25 other villagers armed variously came and surrounded the house of the informant.

Thereafter, the allegation is that petitioner no. 1 Faiyaz Ahmad, entered in the house and started abusing the informant to vacate the house and on protest, the petitioner no. 3 and 5 (Md. Rahmatullah Khan and Miraj Khan) alongwith co-accused Rauf Khan and Ibrahim Khan started assaulting the informant and her daughter in law and forcefully dragged them out of the house and torn their cloth.

Thereafter, the accused persons committed '*loot-paat*' in the house. It is further alleged that on protest, the petitioner no. 1 and 2 gave an order to kill whereupon co-accused Akil Khan assaulted with '*farsa*' on the head of the informant and when her daughter-in-law came to her rescue, co-accused



Shabbir Khan assaulted with '*sword*' on her head as a result of which they fell down.

It is further alleged that the accused persons took away the box, utensils etc. from the house of the informant and demolished her Asbestos house. On hulla, several witnesses including Lal Khan, Zahida Khatoon, Rukhsana Khatoon, Kauser Khan, Ejaz Khan and others came there and took them to hospital for treatment. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioners that although the petitioners are named in the FIR, the allegation is/are omnibus in nature. Further there is a counter version to this occurrence also.

Further submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has sustained injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- each to the injured.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that although there is allegation of assault, injuries have been found to be simple in nature.

Considering the aforesaid fact that omnibus allegation



is there and further there is counter version to the occurrence, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 15,000/-, as stated above.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Jhanjharpur in connection with Jhanjharpur (A.S.O.P) P.S. Case No. 192 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds;

(Rajiv Roy, J)

Jagdish/Neha/-

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