

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17442 of 2023

Arising Out of PS. Case No.-120 Year-2022 Thana- SIKANDRA District- Jamui

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MOJIB KHAN SON OF MD. YUNUS KHAN RESIDENT OF VILLAGE -
MAHSOWNA, P.S. - TETRAHAT, DISTT. - LAKHISARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 On call, prayer for adjournment has been made on
behalf of the learned Counsel for the petitioner.

Heard learned APP for the State.

The petitioner apprehends his arrest in connection with Sikandra P.S. Case No. 120 of 2022 for the offence registered under sections 341, 323, 504, 506 and 34 of the Indian Penal Code, section 27 of the Arms Act and section 66(c) of the IT Act lodged on 16.05.2022 by the informant, Gulistan Khatoon.

As per written application of informant Gulistan Khatoon, the prosecution case, in short, is that 5 years ago, Aarif Khan wanted to marry with his daughter, Saziya Khatoon but daughter of informant was not agreeable to it as Md.Aarif Khan was cousin brother. Md. Aarif Khan however snapped



photograph of the daughter of informant with the help of mobile and later threatened that if the daughter of informant will not marry him, he will made the photo viral on social media. It has been further alleged that in the mean time, marriage of daughter of informant was settled with Md. Sahab Khan of Jharkhand State and when Aarif Khan got knowledge, he sent the objectionable photograph of his daughter to Md. Sahab Khan causing disturbance in marriage negotiation.

It has been further alleged that informant called a 'Panchayati' to persuade Aarif Khan, but he and his family members did not agree to it and on 14.5.2022 when his younger son Dilraj was sitting at his door, in the mean time, accused persons including the petitioner came there armed variously then out of fear, the son of informant entered into his house. However, all the accused persons also entered into the house of informant and started assaulting the son of informant, and when other son of informant namely Dilshad Khan tried to save his brother, he was also assaulted by the accused persons and in course of assault, Mojib Khan (petitioner) opened blank firing and they fled away. Accordingly, the FIR.

As per the petition, the case is in two parts:-

Firstly, there is allegation against Md. Arif Khan that



he made the photographs of the girl viral that resulted into the disturbance of the marriage of the informant's daughter. So far as the present petitioner is concerned, it has been narrated that a 'Panchayati' followed by assault in which it is alleged that this petitioner came armed with pistol and opened fire stating that if anyone lodges FIR, they will be killed.

Taking into account the fact that the petitioner do not have criminal antecedent, main allegation of making the photos viral is against Md. Arif Khan, FIR lodged ultimately will have to face the music, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner 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 J.M. 1st Class, Jamui in connection with Sikandra P.S. Case No. 120 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 petitioner, who shall provide official document to show his *bona fide*;



(ii) the petitioner 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 his bail bond by the Trial court itself;

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

(iv) the petitioner 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 the bail bonds;

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

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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