

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23643 of 2023

Arising Out of PS. Case No.-234 Year-2022 Thana- JALALPUR District- Saran

1. IMTEYAZ KHAN @ MD. IMTEYAJ KHAN Son of Mustaque Khan Resident of Maiki, P.S.- Garkha, District - Saran.
2. Sarfaraj Khan @ Md. Asfaraj Khan Son of Mustaque Khan Resident of Maiki, P.S.- Garkha, District - Saran.
3. Mustaque Khan Son of Ishaq Khan Resident of Maiki, P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 325, 307, 354, 379, 504, 506, 34 of the Indian Penal Code.

3. The informant alleges that seventeen accused persons came and assaulted his father, further, Isteyaque assaulted by rod causing injury on his head, thereafter, petitioner No. 2 assaulted his father by *lathi* and iron rod causing injury on his waist, back and arm, thereafter Ahmad Raja, Mallu and Neyaz started pressing his neck by their feet, it is next alleged



that petitioner No. 3 dashed his mother on the ground making her semi nude, thereafter, women accused assaulted his mother, it is next alleged that petitioner No. 1 along with other accused looted the house.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that initially a dispute relating to procession of Moharram ensued between both the sides, it is further submitted that the father of the informant suffered simple injury which amply demonstrates that the intention of the petitioner No. 2 was not to commit any serious occurrence, it is next submitted that the allegation against petitioner No. 1 and 3 is ornamental in nature when, admittedly, the petitioners are persons with clean antecedent and the FIR has been instituted against seventeen accused persons.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jalalpur P.S. Case No. 234 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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