

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23483 of 2023

Arising Out of PS. Case No.-549 Year-2022 Thana- KESARIA District- East Champaran

1. KALIMULLAH KHAN son of Late Hanif Khan Village- Bathana Ward no-5, Ps- Kesariya Dist- E. Champaran
2. Fahim Khan @ Fahin Khan son of Kalimullah Khan Village- Bathana ward no-5, Ps- Kesariya Dist- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-07-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 341, 323, 308, 379, 354(B), 504, 506 and 34 of the Indian Penal Code.

The allegation against the petitioners is that they along with other co-accused persons brutally assaulted the informant and his mother by means of several weapons due to which they got injured. It is also alleged that the petitioners torn the clothes of the mother of the informant and snatched golden chain from her.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. He further submits the occurrence took place on 26.10.2022 and the F.I.R. has been lodged on 07.11.2022 i.e. after a delay of more than 11 days, without giving any credible explanation regarding the said delay which creates a serious doubt over the genuineness of the prosecution story. He further submits that the injuries are of simple nature, which is also mentioned in Annexure-2 of the bail application. Petitioners have no criminal antecedent, mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in



connection with Kesaria P.S. Case No.549 of 2022, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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