

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30512 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. Reyaz Khan @ Kallu Son Of Ajaj Khan R/O- Vill- Bhawla, P.S.- Uchakagaon, Dist.- Gopalganj, Bihar
2. Sajad Khan @ Malu Son Of Ajaj Khan R/O- Vill- Bhawla, P.S.- Uchakagaon, Dist.- Gopalganj, Bihar
3. Md. Hasrat @JHALU Son Of Ajaj Khan R/O- Vill- Bhawla, P.S.- Uchakagaon, Dist.- Gopalganj, Bihar
4. Ahsanul Khan Son Of Ajaj Khan R/O- Vill- Bhawla, P.S.- Uchakagaon, Dist.- Gopalganj, Bihar
5. Ajaj Khan Son Of Bhola Khan R/O- Vill- Bhawla, P.S.- Uchakagaon, Dist.- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 14-02-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to
remove the defect(s), as pointed out by the office, within four
weeks.

The petitioners apprehend their arrest in
Uchakagaon P.S. Case No. 01 of 2022 registered for the
offences punishable under Section 302/34 of the Indian Penal
Code pending in the Court of learned Chief Judicial Magistrate,



Gopalganj, Bihar.

Allegation against the petitioners is that they have assaulted the informant and his son. Allegedly, petitioner no. 1 hit on the head of the said Sabir Khan with lathi. Petitioners no. 2, 3 and 4 also assaulted Sabir Khan.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. They been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners have falsely been dragged into the instant criminal prosecution and are being harassed by the informant. He also submits that the place of occurrence as stated in the FIR has not been stated in restatement of the informant. He further submits that the petitioners have no criminal antecedent.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt act against the petitioners. He further submits that there is ample evidence against the petitioners as appears from the case diary and postmortem report. Hence, these petitioners do not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case and



the fact that there is ample evidence against these petitioners, I am not inclined to enlarge the petitioners on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, if petitioners surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

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