

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40001 of 2023

Arising Out of PS. Case No.-114 Year-2020 Thana- CHHATAPUR District- Supaul

1. MD. JABIR KHAN Son of Md. Jafir Khan Resident of Village - Haripur, Police Station - Chhatapur, District - Supaul
2. Md. Parvej Khan @ Parvej Khan Son of Md. Tahir Khan Resident of Village - Haripur, Police Station - Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 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 341, 323, 324, 325, 307, 504, 506/34 of the Indian Penal Code.

3. Allegedly, all the accused persons including these petitioners came to the informant and started abusing and assaulting him with lethal weapons. On instigation by accused Md. Kashim, co-accused Md. Manjar Khan assaulted him with *lathi* on his right hand. Co-accused Md. Akram assaulted the informant's wife, namely, Rukhsana Khatoon by means of *farsa* on her head due to which she sustained injuries. They also



assaulted the informant's son and brother.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties and both sides have sustained injuries. As there is serious allegation against the petitioners and one other co-accused that they assaulted the injured persons, namely, Md. Ziauddin and Jahagir Khan and from bare perusal of the injury report of the injured Ziauddin, it is crystal clear that he sustained simple injury, whereas injured Jahagir Khan sustained both simple and grievous injuries on his non-vital part of the body, but even after perusing the record, it cannot be said by whom the injured Jahagir Khan sustained grievous injury. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

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

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, 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 lower Court where the case is pending/successor Court in connection with Chhatapur P.S. Case No. 114 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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