

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44067 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- VAISHALI District- Vaishali

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Javed Khan @ Md. Javed Ali Khan, Male, aged about 56 years Son of Md. Asaraf Ali cum Brother-In-Law (Bahnoi) of Md. Ali Khan, Resident of Village- Majahuli, P.S.- Vaishali Belsar, Distt- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Ramchandra Sahni, Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Vaishali (Belsar O.P.) P.S. Case No. 187 of 2022 dated 01.06.2022, instituted for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 376, 511, 379, 504 & 506 of the Indian Penal Code.

3. The prosecution case, in short, is that the informant purchased the land from Ashad Ali Khan but Md. Ali Khan started demanding extortion. The said Md. Ali Khan is the step-brother of Ashad Ali Khan. He along with Md. Washi Alam came to her house and started abusing her and



threatened her for extortion. It is further alleged that on 28.05.2022, the informant was doing work of construction of house over the purchased land. In the meantime, about 04:00 pm, Md. Ali Khan came there along with persons in number 15-20 from another vehicle and started firing. It is further alleged that Md. Ehtesham Ali Khan @ Chotu and Md. Ali Khan caught her hand and boarded her in the vehicle forcefully. It is further alleged that said Md. Sahnawaz Khan, Md. Ekbal Khan tried to commit rape in the vehicle and Ehtesham Ali Khan was showing fire arms. It is alleged that Shami Alam @ Bhola, Md. Mister, Md. Abdullah, Md. Jeshan, Md. Rehan Khan @ Tipu and Javed Ahmad Khan and others have attacked on the family members of the informant on which Md. Jamsed became injured and his hand get broken. It is further said that Md. Ali Khan and Sahnawaz Khan snatched golden chain and fled away from vehicle. Accordingly, with the said allegation FIR has been instituted.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The entire allegations levelled against the petitioner is false and concocted. It is further submitted that the dispute arose over the land which was purchased from Asad Ali Khan



and the accused are the family members of Asad Ali Khan from whom the informant has purchased the land. The petitioner is the brother-in-law (Bahnoi) of Asad Ali Khan and at the behest of Asad Ali Khan, the name of the petitioner and other co-accused have been given in this case. Further, it is submitted that another co-accused, namely, Md. Ali Khan, has been granted bail by a Co-ordinate Bench of this Court *vide order dated 17.05.2023 passed in Criminal Miscellaneous No. 65063 of 2022* and accused ***Bhukhalu Paswan, Rehan & Md. Nashim Khan*** have also been granted bail by a Co-ordinate Bench of this Court *vide order dated 17.05.2023 passed in Criminal Miscellaneous No. 1885 of 2023*. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Vaishali (Belsar O.P.) P.S. Case No. 187 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna subject to condition as laid down under Section 438(2) of the Criminal Procedure Code.

(Khatim Reza, J)

Gaurav Kumar/-

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