

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40326 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- SUGAULI District- East Champaran

1. LALBABU KHAN SON OF MUNNA KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST CHAMPARAN
2. NEYAZ KHAN SON OF MUNNA KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST CHAMPARAN
3. EYAZ KHAN SON OF MUNNA KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST CHAMPARAN
4. AASHIF KHAN SON OF BHANU KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST CHAMPARAN
5. SAHID KHAN SON OF SOMARI KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST CHAMPARAN
6. ESARAT KHAN SON OF MUSTAKH KHAN RESIDENT OF VILLAGE-NAKARDEI, PS- SUGAULI, DISTT- EAST 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. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-08-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Sugauli Police Station Case No. 96 of 2023, dated
07.03.2023, disclosing offences under Sections
147/341/323/379/385/504/506/447 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case, on the basis of the First



Information Report, is that on 28.02.2023, at about 10:00 PM in the night, marriage party arrived at the informant's house, in the meanwhile, all the accused persons along with other 10 to 15 unknown persons arrived there and started misbehaving with the bridegroom and created hindrance in the marriage ceremony. When the informant tried to intervene in the matter, the petitioner no. 1, having gun in his hand, threatened him and other accused persons snatched golden chain, ring, earrings, etc.

Learned Counsel for the petitioners submits that both the parties are co-villagers and they have falsely been implicated in this case. He further submits that there is a delay of seven days in lodging the First Information Report inasmuch as marriage ceremony was being performed on 28.02.2023, however, First Information Report has been lodged, with premeditated mind, on concocted story, on 07.03.2023. He next submits that petitioners have got no criminal antecedents.

Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are co-villagers and there is a delay of seven days in lodging the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Sugauli Police Station Case No. 96 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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