

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48291 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- SUGAULI District- East Champaran

1. DHORAI KHAN SON OF LATE BADE KHAN RESIDENT OF VILLAGE- AMIR KHAN TOLA AND NIRMAL KHAN TOLA, PS- SUGAULI, DISTT- EAST CHAMPARAN
2. SONU KHAN SON OF LATE BADE KHAN RESIDENT OF VILLAGE- AMIR KHAN TOLA AND NIRMAL KHAN TOLA, PS- SUGAULI, DISTT- EAST CHAMPARAN
3. HARUN KHAN SON OF LATE BADE KHAN RESIDENT OF VILLAGE- AMIR KHAN TOLA AND NIRMAL KHAN TOLA, PS- SUGAULI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1 in order to enable him to surrender before the learned trial court within a period of four weeks from today and avail the privilege of regular bail.
2. Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.
3. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.



4. The petitioners no. 2 & 3 apprehend their arrest in connection with Sugauli P.S. Case No. 111 of 2023, registered for the offences punishable under Sections 341, 323, 324, 354, 379, 427 and 504/34 of the Indian Penal Code.

5. The allegation is regarding the accused persons including the petitioners having assaulted the son of the informant on the alleged date and time of occurrence, however, specific allegation is on the petitioner no. 1 of assaulting the son of the informant by farsa resulting in him sustaining serious injuries.

6. The learned counsel for the petitioners no. 2 & 3 has submitted that the petitioners no. 2 & 3 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 2 & 3 has further submitted that as far as these petitioners are concerned, there is no specific allegation of them having engaged in any sort of overt act, hence at least they be granted the privilege of bail.



7. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

8. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners no. 2 & 3 have not been alleged to have engaged in any sort of specific overt act, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 2 & 3 herein to the privilege of anticipatory bail.

9. Accordingly, the petitioners no. 2 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate,
Motihari in connection with Sugauli P.S. Case No.
111 of 2023, subject to the conditions as stipulated
under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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