

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46161 of 2023

Arising Out of PS. Case No.-166 Year-2022 Thana- MAHESHKHUNT District- Khagaria

1. Heera Khan And Anotehr Saif Khan Village Salimnagar Ps Maheshkhunt Dist Khagaria
2. Chand Khan S/O Samsheer Khan R/O Village- Salimnagar, Ps. Maheshkhunt, Distt. Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Maheshkhunt P.S. Case No. 166 of 2022, registered on 18.07.2022, for the alleged offence under Sections 447, 324, 325, 379, 504, 506, 307/34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons entered into the house of the informant and assaulted his family member and also the informant and took away cash, ornaments and two goat from the house of informant.

04. Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The parties are agnates and next door neighbour. For the occurrence of same date, two FIRs were registered one by the father of the co-accused Md. Shamsheer and another by the co-accused Zaffar Imam against the informant side vide Maheshkhunt P.S. Case No. 167 of 2022 and Maheshkhunt P.S. Case No. 168 of 2022, respectively. The petitioners and other co-accused persons received a number of injuries due to assault made by the informant side. Learned counsel further submits that there is case and counter case between the parties and the informant side was aggressor. No offence under Sections 307 & 379 of the Indian Penal Code is made out so far as petitioners are concerned. From perusal of the FIR, it is apparent that the allegation against the petitioners is that they assaulted the informant and fractured his both thumbs and also tried to strangle him with a *gamchha* and he was left after much request. However, the injury report of the victim shows only pain and mild swelling on left shoulder, left thigh and right forearm and no other externally visible injury was found on the body of the victim and the victim did not produce treatment reports of Sadar Hospital Khagaria though he was referred there at his request. So the injuries, which have been received by the



informant, are superficial in nature. Thus, learned counsel submits that the petitioners have been falsely implicated in this case..

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that the petitioners have been named as assailants.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of injuries said to be caused by the petitioners which are merely superficial in nature and further considering the case and counter case between the parties and possibility of false implication let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court in connection with Maheshkhunt P.S. Case No. 166 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and



every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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