

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55978 of 2023

Arising Out of PS. Case No.-108 Year-2023 Thana- FALKA District- Katihar

1. GOBRU KHAN @ ASFARUL SON OF LATE HAJO KHAN RESIDENT OF BARI CHATAR, PS- FALKA, DIST- KATIHAR
2. PUNNO KHAN SON OF GOBRU KHAN @ ASFARUL RESIDENT OF BARI CHATAR, PS- FALKA, DIST- KATIHAR
3. BABLU KHAN SON OF GOBRU KHAN @ ASFARUL RESIDENT OF BARI CHATAR, PS- FALKA, DIST- KATIHAR
4. SIKAIL KHAN SON OF GOBRU KHAN @ ASFARUL RESIDENT OF BARI CHATAR, PS- FALKA, DIST- KATIHAR
5. MIKAIL KHAN @ MD. MIKAIL KHAN SON OF GORBU KHAN @ ASFARUL RESIDENT OF BARI CHATAR, PS- FALKA, DIST- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-09-2023 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 307, 323, 341, 354/34 of the Indian Penal Code.

3. Allegedly, due to dispute regarding Panchayati, on 09.04.2023 at about 10.30 PM, all the accused persons including the petitioners entered the house of the informant and assaulted the informant. Petitioner no.1 assaulted the informant by means



of iron rod on his head as a result of which he died.

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 totally false and based on concocted facts. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is specific allegation against petitioner no.1 that he assaulted the informant by means of iron rod as a result of which he died, hence he does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner nos. 2 to 5, let the above named petitioner nos. 2 to 5, 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 Falka P.S. Case No. 108 of 2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

7. Considering the fact that there is specific allegation
against petitioner no.1, I am not inclined to enlarge the
petitioner no.1 on bail. The prayer for bail of the petitioner no.1
is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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