

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61529 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- BARGAINIA District- Sitamarhi

GOUHAR KHAN @ GAUHAR KHAN Son of Sajjad Khan Resident of
ward No. 11, Village- Chakwa, P.S- Bairgania, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 22-05-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with
Bairgania P.S. Case No. 81 of 2022 for the offence registered under
sections 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal
Code lodged on 25.03.2022 by the informant, Farooque Ahmad
Khan.

As per the prosecution story, the victim-cum-informant
namely, Farooque Ahmad Khan alleging therein, in brief, is that on
22.3.2022 at 5.30 PM, his son Rakesin Reja Khan alongwith other 4-
5 girls was coming after taking tuition and as they reached near
Chakwa Punarwas Bandh, petitioner/accused started teasing the girls
and on protest by the son of the informant, petitioner/accused abused
him and gave threat of assault.

It has further been alleged that the petitioner followed his
son and at a lonely place, he dashed his motorcycle with his son and



on account of which he fell down. Further allegation is that he inflicted knife blow with intention to kill the son of the informant causing injury and took out Rs. 10,400/- from his pocket and also snatched silver chain and thereafter fled away. Accordingly, the FIR.

Learned Counsel for the petitioner submits that earlier section 307 of the Indian Penal Code was not there, till charge sheet the petitioner enjoyed the privilege of bail but now that the charge sheet has been submitted under section 307 of the Indian Penal Code, this necessiated the filing of the present anticipatory bail.

The allegation that has come against the petitioner do not warrant extension of anticipatory bail to him which is accordingly rejected.

If however, the petitioner surrenders within a period of four weeks from today, the Court below shall take into account the fact that earlier he had enjoyed the privilege of bail till submission of charge sheet and will take a decision preferably on the same day.

(Rajiv Roy, J)

Jagdish/Neha/-

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