

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74813 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- JALALPUR District- Saran

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1. ISHTEYAQUE KHAN @ ISHEYAQUE KHAN S/o- MUSTAQ KHAN
Village- Noornagar Masjid Tola Ps- jalalpur Dist- Saran
 2. Niyaz Khan @ Md. Niyaz Khan son of Fariyad Khan Village- Noornagar
Masjid Tola Ps- jalalpur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-12-2023 Learned counsel for the petitioners is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in
connection with Jalalpur P.S Case No. 234 of 2022 dated
24.08.2022 registered for the offence punishable u/ss 341,
323, 325, 307, 354, 379, 504 and 506 read with 34 of the
Indian Penal Code.

4. As per the prosecution case, the informant



alleges that seventeen accused persons came and assaulted his father. The petitioner no.1, Isteyaque Khan assaulted with rod causing injury on his head, thereafter, the co-accused, Sarfaraj Khan assaulted the informant's father with *lathi* and iron rod causing injury on his waist, back and arm, thereafter, the co-accused Ahmed Raja, Mallu and the petitioner no.2 Niyaz Khan started pressing his neck by their feet. It is next alleged that the co-accused Muztaque Khan dashed his mother on the ground making her semi nude, thereafter, women accused assaulted his mother. It is next alleged that accused persons looted the house.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that the all the allegations are general and omnibus in nature. Learned counsel further submitted that the informant sustained injuries during *Muharram*. It is further submitted that the injuries are simple in nature caused by hard and blunt substance. Learned counsel further submitted that the F.I.R. has been lodge after a delay of ten days. The petitioners have no criminal antecedent as stated in para 3 of the bail



petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Chapra, Saran in connection with Jalalpur P.S. Case No. 234 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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