

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64768 of 2022

Arising Out of PS. Case No.-362 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Daroga Khan Son of Late Sher Mohammad Khan Resident of Village- Azad Nagar Ward No.-13, P.S.- Aurangabad Town, District- Aurangabad (Bihar)
 2. Arbaz Khan Son of Daroga Khan Resident of Village- Azad Nagar Ward No.-13, P.S.- Aurangabad Town, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Aurangabad Town P.S. Case No. 362 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution, the informant alleged that the petitioner no. 1 stopped the informant's brother's vehicle and then co-accused Shahrukh Khan assaulted him by means of a

sword and petitioner no. 2 assaulted him by means of *iron rod* and one Salman Khan snatched his bag containing a cash of Rs. 55,000/- (Fifty-five thousand).

The main submissions advanced by learned counsel for the petitioners are that the present matter is a counterblast of the petitioners' case arising out of Aurangabad Town P.S. Case No. 364 of 2022 and in the present there is good relation in between both the parties and they have filed compromise petition before the Court below and an issue regarding money payment running in between both the parties at the time of alleged occurrence was the genesis of the occurrence and all the injuries of the injured person namely, Md. Shamshad Alam except one injury have been found to be simple in nature and said one grievous injury has been attributed to against co-accused Shahrukh Khan and petitioner no. 1 also sustained injuries in the alleged occurrence and he was referred to Patna Medical College & Hospital (PMCH) for medical treatment and in this regard his injury report has been filed vide Annexure-4. Further submission is that against the petitioner no. 1 there is criminal antecedent of one case in which he is on bail and petitioner no. 2 has fair and clean antecedent.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the circumstance that in between both the parties there is case and counter case and petitioner no. 1 is stated to be one of the injured and according to the above submissions some persons from petitioners' side also sustained injuries in the alleged occurrence, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Aurangabad Town P.S. Case No. 362 of 2022.

(Shailendra Singh, J)

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