

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1885 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- VAISHALI District- Vaishali

1. MD. SHAHNAWAZ AHMAD KHAN @ Md. SAHNWAJ ALI KHAN Son of Imteyaj Ali Khan @ Tazzo @ Md. Imteyaz Khan R/v- Majhauri, P.S.- Vaishali (Belsar O.P.), District- Vaishali at Hajipur (Bihar)
2. MD. EKBAL ALI KHAN @ IKWAL ALI @ EKBAL KHAN Son of Imteyaz Ali Khan @ Tazzo @ Md. Imteyaz Khan R/v- Majhauri, P.S.- Vaishali (Belsar O.P.), District- Vaishali at Hajipur (Bihar)
3. MD. IHTASHAM ALI KHAN @ EHTESAN ALI KHAN @ CHHOTU Son of Md. Safique Khan R/v- Majhauri, P.S.- Vaishali (Belsar O.P.), District- Vaishali at Hajipur (Bihar)
4. BHUKHALU PASWAN Son of Shivanand Paswan R/v- Majhauri, P.S.- Vaishali (Belsar O.P.), District- Vaishali at Hajipur (Bihar)
5. REHAN @ TIPU @ REHAN KHAN Son of Nasimuddin Khan @ Bachu Khan R/v- Bagmali, P.S.- Hajipur Town, District- Vaishali at Hajipur (Bihar)
6. MD. NASHIM KHAN @ BACHU KHAN Son of Late Kalim Khan R/v- Bagmali, P.S.- Hajipur Town, District- Vaishali at Hajipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 17-05-2023 The learned counsel for the petitioners has, at the outset, sought not to press the present petition qua the petitioners no. 1 to 3, however, seeks a direction upon the learned trial Court to hear and dispose off their bail petition on the very same day, the same is filed, in case they surrender before the learned trial Court, within a period of



four weeks from today, as also considering the fact that the main accused person, namely, Md. Ali Khan has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 17.05.2023, passed in Cr. Misc No.65063 of 2022. It is directed accordingly.

In such view of the matter, the present petition qua the petitioners no.1 to 3, namely, Md. Shahnawaz Ahmad Khan @ Md. Sahnwaj Ali Khan, Md. Ekbal Ali Khan @ Ikwal Ali @ Ekbal Khan & Md. Ihtasham Ali Khan @ Ehtesan Ali Khan @ Chhotu stands disposed off as not pressed.

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

This is an application for grant of anticipatory bail in connection with Vaishali (Belsar O.P) P.S. Case No.187 of 2022, registered for offences under Sections 147, 148, 149, 341, 323, 324, 325, 376, 511, 379, 504 and 506 of the IPC.

The allegation is regarding the accused persons, including the petitioners no.1 to 3 having engaged in firing as also having caught hold of the



hand of the informant and made her sit in a vehicle, whereafter they had tried to commit rape with her forcefully, however, some of the family members of the informant had arrived there resulting in them being assaulted by the accused persons, leading to them sustaining injuries.

The learned counsel for the petitioners has submitted that the petitioners no. 4 to 6 are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners no.4 to 6 are concerned, they have not engaged in any sort of specific overt act qua the injured persons and are also not alleged to have committed any untoward incident with the informant, much less having caught hold of her hand or made her sit in a vehicle, hence they are not having any complicity in the matter. It is also submitted that as far as the petitioners no.4 and 6 are concerned, they are senior citizens, aged about 80 years and 70 years old, respectively, thus a



sympathetic view be taken qua them.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners no.4 to 6 are not alleged to have engaged in any sort of specific overt act much less having alleged to have caught hold of the hand of the informant and made her sit in a vehicle and tried to commit rape with her, apart from the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners no. 4 to 6 to the privilege of anticipatory bail.

Accordingly, the petitioners no.4 to 6, namely, Bhukhalu Paswan, Rehan @ Tipu @ Rehan Khan & Md. Nashim Khan @ Bachu Khan, respectively are directed to be enlarged on anticipatory bail, in the event of their arrest or



surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Vaishali (Belsar O.P) P.S. Case No.187 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

kanchan/Saurav

U		T	
---	--	---	--

