

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74690 of 2022

Arising Out of PS. Case No.-87 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

1. JAUHAR KHAN @ LADAN KHAN SON OF LATE JALALUDDIN KHAN @ JALAL R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
2. ASGAR ALI KHAN @ MD. ASGAR ALI KHAN SON OF LATE SAFAR AHMAD KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
3. MOJAMMIL KHAN @ MD. MOJAMMIL SON OF MUSTAFA KHAN @ MUSTAFA R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
4. MOBASSIR KHAN @ MD. MOBASSIR HUSSAIN SON OF LATE AKHTEYAR KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
5. JAKARI KHAN @ MD. JAKARIA KHAN SON OF LATE BAKHTEYAR KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
6. ASGAR KHAN SON OF LATE MASUQUE KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
7. AKHETAYAR KHAN @ MOHAMMAD AKHIYAR @ MD. AKHIYAR KHAN SON OF BAKHTEYAR KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
8. MUSTAFA KHAN SON OF LATE BARATU @ BARAT AHMAD R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA
9. FUZAIL KHAN @ MD. FURAIL KHAN SON OF ASGAR KHAN @ MD. ASGAR ALI KHAN R/O VILLAGE- MORAMARDANA, P.S.- MAGADH UNIVERSITY, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.



The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 379, 354, 427 of the Indian Penal Code.

Allegedly, the petitioners are said to have assaulted the informant and her associates with deadly weapons.

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. The scuffle took place between a mother and his son. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific overt act against co-accused Rinku and Bablu. There is admitted family dispute between the parties. There is case and counter case between the parties. Both sides have filed cases against each other. The injuries sustained by the victims are simple in nature, which is also clear from the impugned order. Petitioner no.2 has one criminal antecedent as mentioned in para 2 of the supplementary affidavit whereas rest of the petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case,



as the injuries sustained by the injured persons are simple in nature, let the above named petitioners, 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 M.U. P.S. Case No. 87 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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