

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10093 of 2024

Arising Out of PS. Case No.-396 Year-2023 Thana- NAWANAGAR District- Buxar

1. Saimsullah Khan @ Saimulla Son Of Safadar Khan R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR
2. Islam Khan Son Of Saimsullah Khan @ Saimulla R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR
3. Sonu Kha @ Md. Arsad Khan Son Of Saimsullah Khan @ Saimulla R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR
4. Juman Kha @ Amjad Khan Son Of Saimsullah Khan @ Saimulla R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR
5. Abdul Khan Son Of Saimsullah Khan @ Saimulla R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR
6. Asalam Khan Son Of Saimsullah Khan @ Saimulla R/O-Kesath, P.S.-NAWANAGAR, Distt.-BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-04-2024 Earlier, vide order dated 11.03.2024, this anticipatory bail petition already stood dismissed as withdrawn in respect of petitioners no. 4 and 5.

2. Now, this anticipatory bail petition is alive in respect of petitioners no. 1, 2, 3 and 6 only.

3. The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 307, 354A, 379, 504, 506 of the Indian Penal Code.



4. As per the prosecution case, on the instigation of petitioner no. 1 Saimsullah Khan, all the accused persons including petitioners chased and assaulted informant's son and informant's nephew, due to which, they sustained injury. Petitioner no. 2 Islam Khan inflicted 3-4 blow with butt of pistol over the neck of nephew of informant, due to which he sustained grievous injury on his neck.

5. It is submitted on behalf of petitioners that due to petty dispute between the parties, a simple *Maarpeet* took place in which both sides sustained injury. There is case and counter case. Injury, allegedly caused by petitioner no. 1, 3 & 6 are simple in nature. Petitioners claim clean antecedent.

6. Considering the fact that informant's nephew sustained grievous injury, caused by petitioner no. 2 (Islam Khan), his (petitioner no. 2) prayer for anticipatory bail is rejected.

7. However, since injury caused by other petitioners is simple in nature, in the event of their arrest/surrender within a period of six weeks from today, let the petitioner nos. 1, 3 and 6, as named above, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Buxar in connection with Nawanagar P.S. Case No. 396 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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