

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20449 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- BAHADURPUR District- Darbhanga

1. Md. Mozammil Khan SON OF BHUTTU KHAN @ MD. AIYUB KHAN
RESIDENT OF VILLAGE- GANIPUR TARAUNI, PS- BAHADURPUR,
DIST- DARBHANGA
2. MD. SUBHANI KHAN SON OF BHUTTU KHAN @ MD. AIYUB KHAN
RESIDENT OF VILLAGE- GANIPUR TARAUNI, PS- BAHADURPUR,
DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 It has been informed by learned counsel for the petitioners that during the pendency of the petition, petitioner No. 02 namely Subhani Khan has been arrested and as such, he may be permitted to seek permission to withdraw the application of petitioner No. 02.

2. Permission accorded.

3. Accordingly, the application as against petitioner No.02 stands dismissed as withdrawn.

4. Heard the parties.

5. The petitioner is apprehending his arrest in connection with Bahadurpur P.S. Case No. 404 of 2023 for the offence under Sections 323, 324, 341, 354(B), 379, 380, 307,



504, 506 and 34 of the I.P.C. lodged on 04.08.2023 by the informant, Md. Mohi.

6. As per the prosecution story, the informant alleged that one Niraley entered his house and tried to outrage the modesty of his wife. When she raised '*hulla*', he escaped. Thereafter, it is alleged that all the family members of Niraley entered his house and assaulted the wife and took away silver ornament as also cash. This was informed by the lady to the informant whereafter when he was returning home, all the accused persons intercepted him and thereafter, allegation is that Niraley Khan gave '*farsa*' blow on the head causing injury, Arman Khan also gave iron rod blow on his head, Vicky Khan gave knife blow while Maksood Khan gave '*lathi*' blow so far as Mahboob khan is concerned, he hit the informant with the butt of the revolver while Shahrukh Khan tried to choke him. Later, the amount that was with him was also taken. He was rushed to DMCH, Darbhanga, whereafter, the FIR.

7. Learned counsel for the petitioner submits that though his name appears in the list of accused, a bare perusal of the FIR would show that no role has been attributed to him. Further, he do not have any criminal antecedent.

8. Learned APP opposes the prayer stating that the



informant was brutally assaulted by the accused persons.

9. Considering the fact that specific role has been assigned to the accused persons, save and except his name having come in the FIR, he do not have any role to play and he do not has any criminal antecedent either, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

10. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Darbhanga in connection with Bahadurpur P.S. Case No. 404 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of petitioner No. 01 should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner No. 01 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner No. 1 shall appear before the



concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No. 1 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner No. 1 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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