

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26646 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- SIKTI District- Araria

AMIR KHAN S/O- SAFIR KHAN R/O- VILLAGE- PARARIA TOLA,
WARD NO.- 12, P.S.- SIKTI, DIST.- ARARIA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 31025 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- SIKTI District- Araria

DUKHAI KHAN S/O- LATE SAFIK KHAN R/O- VILLAGE- PARARIA
KHAN TOLA, WARD NO.- 12, P.S.- SIKTI, DIST.- ARARIA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 26646 of 2024)
For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP
(In CRIMINAL MISCELLANEOUS No. 31025 of 2024)
For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-06-2024 Heard the parties.

2. The petitioners are accused in connection with Sikti P.S. Case No. 23 of 2023 registered for the offences under sections 147, 148, 149, 341, 323, 324, 379, 307, 504 and 506 of the Indian Penal Code lodged on 22.01.2023 by the informant, Minni Khatoon.



3. As per the prosecution story, the informant alleged that the accused persons armed variously came, abused and assaulted the informant's side.

4. The allegation is that when the informant's son and husband came to the rescue of the sister-in-law, Jabir Khan gave '*farsa*' blow to her son, Parwez which ultimately proved fatal. Subsequently, allegation against the petitioner, Amir Khan in Cr. Misc. No. 26646 of 2024 is of having assaulted the sister-in-law by the '*butt*' of the rifle, causing injury. Against Haider Khan, the allegation is of relieving Rs. 10,000/- from his son while against the petitioner in Cr. Misc. No. 31025 of 2024, Dukhai Khan, beside being an order giver, omnibus allegation of assault is there. Accordingly, the F.I.R.

5. Learned Counsel for the petitioners submit that so far as the allegation of assault which prove fatal is concerned, it is against Jabir Khan. Regarding petitioner, Amir Khan allegation is of assaulting by the '*butt*' of the rifle and the same has been found to be simple in nature and the petitioner, Dukhai Khan, allegation is of order giver and omnibus assault. He submits that taking these facts into account, the petitioner, Amir Khan was earlier granted anticipatory bail along with other co-accused on 29.02.2024 in Cr. Misc. No. 65891 of 2023 in the



backdrop of the fact that the petitioners' Counsel failed to bring to the notice of the Court that during the pendency of the petition, he was arrested on 11.10.2023 (paragraph-18 to the petition) . He submits that there is a case and counter case.

6. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that armed variously, they assaulted the informant's side and ultimately one of the person (son) lost his life.

7. Taking into account the aforesaid facts, specific allegation of assault is on Jabir Khan, the injury sustained by the lady inflicted by the petitioner, Amir Khan has been found to be simple in nature, he is in custody since 11.10.2023 and so far as the petitioner, Dukhai Khan is concerned, he is an order giver, omnibus allegation of assault is there, he is in custody since 07.12.2023 (paragraph-19 of the petition) and do not have criminal antecedent, this Court is inclined to extend them privilege of bail.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Araria in connection with Sikti P.S. Case No. 23 of 2023, subject to the following



conditions-:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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