

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40011 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- PUPRI District- Sitamarhi

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1. Md. Amir Khan S/O JAHIR KHAN resident of village Gangti, P.S.- Pupri, DIST- SITAMARHI
 2. MONAJIR KHAN @ ALBAKSH KHAN S/O MD. JAHIR KHAN resident of village Gangti, P.S.- Pupri, DIST- SITAMARHI
 3. IQBAL KHAN @ MD. IQBAL KHAN S/O MD. ASHFAK KHAN resident of village Gangti, P.S.- Pupri, DIST- SITAMARHI
 4. MD. SIFATULLAH @ MD. SIFAT KHAN S/O LATE SAMI AHMAD KHAN resident of village Gangti, P.S.- Pupri, DIST- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Pupri P.S. Case No. 130 of 2024 instituted under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code lodged on 18.3.2024 by the informant, Md. Adil Khan.

3. As per the prosecution story, the informant alleged that when he was offering 'Namaz' in the mosque, the accused persons came, abused and assaulted. The allegation against



Salauddin Imam is of giving knife blow to the informant. They wanted the informant not to offer the 'Namaz' in the mosque.

4. Learned counsel for the petitioners submit that a perusal of the FIR would show that the specific allegation is against Salauddin Imam and only to drag their names, the case against them. Further submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to pay Rs. 1000/- each (totalling Rs. 4000/-) informant through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that these petitioners alongwith Salauddin Imam prohibited the informant from offering 'Namaz' and assaulted too.

6. It is unfortunate that a person who just wanted to do his religious duty is/was prohibited by the accused persons including the petitioners who created trouble in such pious duty which led to this assault.

7. However, since specific allegation is against Salauddin Imam, these petitioners do not have criminal antecedent, this Court is inclined to extend them the privilege of



anticipatory bail subject to payment of Rs. 1000/- each (totalling Rs. 4000/-) as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Pupri P.S. Case No. 130 of 2024 to the satisfaction of learned S.D.J.M., Pupri at Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 co-operate in the investigation and make themselves available to the police as and



when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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 the bail bonds;

(vi) 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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