

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44708 of 2024

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

Bhuttu Khan @ Aiyub Khan SON OF LATE MOTI KHAN R/O MOHALLA
-Ganipur Tarauni, P.S- BAHADURPUR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-08-2024 Heard the parties.

2. 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 IPC. lodged on 04.08.2023 by the informant, Md. Mohi.

3. 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. So far as this petitioner is concerned, the role of order giver has been assigned to him. Later, the amount that was with him was also taken. He was rushed to DMCH, Darbhanga, whereafter, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the only role that has been attributed to him is that of an order given, neither allegation of outraging the modesty towards the lady nor the assault theory have been attributed to him. He is an elderly person and only because of enmity, has been implicated.

5. Learned APP opposes the prayer stating that the informant was brutally assaulted by the accused persons.

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



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

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(Rajiv Roy, J)

Vijay Singh/-

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