

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49386 of 2024

Arising Out of PS. Case No.-36 Year-2018 Thana- SHAHKUND District- Bhagalpur

1. Raushan Khatoon @ Raushan Ara D/O-D Of Md. Nasruddin Village- Rampur Logain, P.S.- Sahkund, Distt.- Bhagalpur
2. Khajmun Nisha @ Khajmoon Nisha W/O- Md. Nasruddin Village- Rampur Logain, P.S.- Sahkund, Distt.- Bhagalpur
3. Md. Hasim Son Of Md. Nasruddin Village- Rampur Logain, P.S.- Sahkund, Distt.- Bhagalpur
4. Md. Nasruddin Son Of Sajid Village- Rampur Logain, P.S.- Sahkund, Distt.- Bhagalpur
5. Md. Moksin @ Md. Mustkim Son Of Md. Nasruddin Village- Rampur Logain, P.S.- Sahkund, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Swapnil Kumar Singh, Advocate
		Mr. Shubham Raj, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 17-12-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Sahkund P.S. Case No. 36 of 2018, dated 17.02.2018 registered for the offences punishable under Sections 147, 149, 323, 341, 307, 504, 506 of the Indian Penal Code.

3. As per the allegation, there was an altercation between the informant and accused side leading to injury to



both sides and case and counter case have been filed. The accused side filed Sahkund P.S. Case No. 37 of 2018.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that in the altercation, both sides got injured and accused sides have also filed counter case bearing Sahkund P.S. Case No. 37 of 2018 for the same offence as alleged in the present case.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the case and counter case and the simple nature of injury, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of Ld. Chief Judicial Magistrate, Bhagalpur in connection with Shahkund P.S. Case No. 36 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

Amandeep/-
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