

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48545 of 2024

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

1. Husnbanu Khatun @ Husnbano Wife of Taha Khan R/O Vill.- Perhiya, Khan Tola, Ward no. 13, P.S.- Sikty, Dist.- Araria
2. Manir Khan Son of Sakir Khan R/O Vill.- Perhiya, Khan Tola, Ward no. 13, P.S.- Sikty, Dist.- Araria
3. Bhayankar Khan Son of Amir Khan R/O Vill.- Perhiya, Khan Tola, Ward no. 13, P.S.- Sikty, Dist.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-08-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sikty P.S. Case No. 23 of 2023 for the offence under sections 147, 148, 149, 341, 323, 324, 379, 307, 504 and 506 of the I.P.C. lodged on 22.01.2023 by the informant, Minni Khatoon.

3. As per the prosecution story, the informant has alleged that the accused after abusing them, resorted to assault and the allegation against Jabir Khan is of assaulting the informant's son, Perwez by '*farsa*' while Amir Khan assaulted by rifle to the informant's sister-in-law, Mansoori Khatoon causing injury in her head. Again, allegation against Haidar Khan is of snatching Rs. 10,000/- from the pocket of the informant's son.



Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the specific allegations have been made against Jabir Khan, Amir Khan and Haidar Khan. So far as these petitioners are concerned, though they have been shown as the part of the mob, no specific allegation of assault is there and some of the similar situate persons have been extended the relief in Cr. Misc. No. 65891 of 2023 (Hasrat Khan & Ors vs State of Bihar)

5. Learned APP opposes the prayer and submits that all of them with common intention assaulted the informant and his family members which reflects from the FIR itself.

6. Though the allegation of assault is/are there, the same is on Jabir Khan, Amir Khan, and Haidar Khan, no specific allegation is against these petitioners and similar situate persons have been extended relief as stated above, this Court is inclined to extend them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their 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 S.D.J.M, Araria in connection with Sikty P.S. Case No. 23 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 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;

(iv) 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)

Adnan/-

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