

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49538 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- PAHARPUR District- East Champaran

Babu Khan @ Ibnul Hassan Khan Son of Rustam Ali Khan R/O Vill.-
Sonwal, Dakshin Patti, P.S.- Paharpur, Dist.- East Champaran, Motihari
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Paharpur P.S. Case No. 490 of 2023 for the offence under sections 447, 341, 342, 323, 324, 379/34 of the I.P.C. lodged on 02.12.2023 by the informant, Sohrab Khan.

3. As per the prosecution story, the informant alleged that the accused persons intercepted them while returning from Bazar and thereafter assaulted. Allegation is that Aarzoo Khan gave *Farsa* blow to his son, Zakir Khan which caused injury to him and resulted into bleeding. The allegation against this petitioner is of using iron rod to hit Asif Khan causing injury on the head. Further allegation is that Rs. 40,000/- along with a mobile were taken away by the accused persons. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



though there has been allegation against this petitioner of assaulting Asif Khan, a perusal of the order of learned Sessions Judge would show that it has been found to be simple in nature. Further submission is that the petitioner has got no criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to the submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that allegation against the petitioner is hitting on the head of Asif Khan, the son of the informant.

6. Taking into account the submission put forward by the parties and also the petitioner has got no criminal antecedent, the injury has been found to be simple in nature, the petitioner will ultimately be facing trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of



India to be submitted to the trial court.

7. Let the petitioner, above named, be released on bail in the event of 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 Chief Judicial Magistrate, East Champaran in connection with Paharpur P.S. Case No. 490 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her 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 his 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 his bail bonds.

(Rajiv Roy, J)

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