

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55714 of 2024

Arising Out of PS. Case No.-91 Year-2024 Thana- ARIYARI District- Sheikhpura

- 1. Md. Shahrukh Khan @ Saruk Khan @ Md. Saruk Khan Son of Late Muslim Khan
- 2. Md. Farukh @ Md. Nazeer Khan
- 3. Md. Nasir Khan @ Nasir Khan @ Md. Nasrir Khan
- 4. Md. Naim Khan @ Md. Naim
All sons of Late Md. Idrish Khan
- 5. Shahil Khan @ Sahil Khan Son of Nazeer Khan
- 6. Md. Sultan @ Sultan Khan Son of Md. Naim
All resident of Village- Navinagar Kakrar, PS- Ariyari, Dist.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate Mrs.Sarita Kumari, Advocate
For the State	:	Mr.Ashok Kumar Singh, APP
For the Informant	:	Mr.Sheo Nandan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Bipin Kumar along with Mrs. Sarita Kumari, learned counsels appearing on behalf of the petitioners; Mr. Ashok Kumar Singh, learned APP for the State and Mr. Sheo Nandan Prasad, learned counsel for the informant.

2. Petitioners seek pre-arrest bail in connection with Ariyari P.S.Case No.91 of 2024, registered for the offences punishable under Sections 341, 307, 323, 504, 379 and 325/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, she-goat was



grazing the field of the informant, which was protested by the informant then all the accused persons named in the FIR including the petitioners assaulted the informant, his sister, brother-in-law and nephew brutally with an intention to kill them.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and no specific allegation is alleged against petitioners no.1, 3, 4, 5 and 6. However, so far as, petitioner No.2 is concerned, allegation against him is that he has assaulted the informant brutally, causing injury to him.

5. Learned counsel further submitted that there is case and counter case between the parties. Both the parties indulged into fierce fight and in self-defence, the petitioners may have caused some injury on the informant side without any intention.

6. Mr. Sheo Nandan Prasad, learned counsel has tenders his appearance on behalf of the informant and submitted that though there is general and omnibus allegation against the petitioners no.1, 3, 4, 5 and 6, however, specific allegation is against petitioner No.2 that he had assaulted the informant.

7. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.



8. Having considered the rival submissions made on behalf of the parties, as well as, the fact that both the parties are co-villagers and as a result of grazing of the field of the informant by she-goat of the petitioner no.2 (Md. Farukh @ Nazeer Khan), the incident took place and both the parties indulged into fierce fight and also there is specific allegation against petitioner no.2 that he has assaulted the informant, I am not inclined to enlarge the petitioner no.2.

9. However, so far as petitioner no.1, 3, 4, 5 and 6 are concerned, there is general and omnibus allegation against them and they have made out a case to be released on bail, I am inclined to enlarge the petitioners no.1, 3, 4, 5 and 6 on pre-arrest bail, in the event of their arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheikhpura/concerned court in connection with Ariyari P.S.Case No.91 of 2024, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

10. The learned district court is directed to verify the



criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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