

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59590 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- BUXAR MUFFSIL District- Buxar

1. Ibrar Khan @ Netaji S/o- Mainuddin Khan
 2. Rinku Khan @ Akram Khan @ Md. Akram Khan son of Murtaza Khan.
- Both Village- Sarimpur Police Station- Buxar District-Buxar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Zafar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 325, 353, 337, 307, 120(b), 427, 504, 506 of the IPC in connection with Buxar (Muffasil) P.S. Case No.173 of 2024.

3. The learned counsel for the petitioners submit that petitioners are persons with clean antecedent and the informant Incharge Mining Officer alleges that four trucks overloaded with the sand were standing at the place of occurrence, accordingly



he reached the place of occurrence and saw Tinku and Netaji standing who were helping the drivers in passing the overloaded trucks with sand, further on seeing the informant they started asking the driver to flee, but the trucks were chased and stopped and the informant got out of his vehicle for checking when a Nexon car came from behind and two accused alighted with danda and indiscriminately assaulted him causing injuries on head, thus alleges that Rinku and Netajee along with four accused in Nexon car tried to kill him, further the informant was taken to Buxar Sadar Hospital for treatment.

4. The learned counsel submits petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that a Nexon car came from which the accused persons alighted and assaulted. It is next submitted that petitioners have been implicated in the instant case on the ground that he along with Netajee were helping the drivers in getting the overloaded trucks with sand cross the mining area, it is also submitted that no specific allegation of assault is alleged against the petitioner nor petitioner was even present at the place of occurrence.

5. The learned APP, Mr. Chandra Bhushan Prasad



vehemently opposes the anticipatory bail application and submits that there is specific allegation against this petitioners who were helping the truck drivers in passing the overloaded trucks with sand. It is also submitted that informant identified the petitioners and thus has alleged that he was also instrumental in getting the occurrence of assault committed. The learned APP further submits that if privilege of anticipatory bail is granted to the petitioners, in that event, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submit that petitioners will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No.173 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C with further condition that one of the bailor of the petitioners shall be their respective father,



Mainuddin Khan and Murtaza Khan.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court are not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

8. It is further made clear that in the event if charge sheet is submitted connecting the petitioners with the offence, in that event, the present anticipatory bail order shall loose its effect to.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial court.

10. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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