

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65891 of 2023

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

1. HASRAT KHAN SON OF JABIR KHAN RESIDENT OF VILLAGE - PERHIYA, KHAN TOLA, WARD NO.13, POLICE STATION - SIKTY, DISTRICT - ARARIA
2. TAHA KHAN SON OF DUKHAI KHAN RESIDENT OF VILLAGE - PERHIYA, KHAN TOLA, WARD NO.13, POLICE STATION - SIKTY, DISTRICT - ARARIA
3. ASMUDDIN KHAN SON OF DUKHAI KHAN RESIDENT OF VILLAGE - PERHIYA, KHAN TOLA, WARD NO.13, POLICE STATION - SIKTY, DISTRICT - ARARIA
4. AKHTAR KHAN SON OF DUKHAI KHAN RESIDENT OF VILLAGE - PERHIYA, KHAN TOLA, WARD NO.13, POLICE STATION - SIKTY, DISTRICT - ARARIA
5. AMIR KHAN SON OF SAFIR KHAN RESIDENT OF VILLAGE - PERHIYA, KHAN TOLA, WARD NO.13, POLICE STATION - SIKTY, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anamul Haque, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey (APP 84)
For the Informant	:	Ms. Nitu Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 29-02-2024 Heard Mr. Anamul Haque, learned counsel for the petitioners and Ms. Nitu Kumari, learned counsel for the informant.

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, 344, 323, 324, 379, 307, 504, 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 accuseds 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 for 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, they do not have criminal antecedent.

5. Learned counsel appearing on behalf of the informant 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 they do not have



criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners 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 SDJM, 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 of the petitioners who shall provide official document to show his/her 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 appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) 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;

(v) 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)

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