

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66748 of 2023

Arising Out of PS. Case No.-246 Year-2020 Thana- GURUA District- Gaya

-
1. EHATESHM KHAN SON OF RASHID KHAN RESIDENT OF VILLAGE- MANJHOR, PS- GURUA, DISTT- GAYA
 2. ZAKIR KHAN SON OF LATE ASGAR KHAN RESIDENT OF VILLAGE- MANJHOR, PS- GURUA, DISTT- GAYA
 3. FARHAT NAZ WIFE OF SAWARIF AMIR KHAN @ SAWARIT AMIR KHAN RESIDENT OF VILLAGE- MANJHOR, PS- GURUA, DISTT- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MOSHRAT JAHAN WIFE OF JAVED ALAM RESIDENT OF VILLAGE- KOLOWNA, PS- GURUA, DISTT- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Gurua P.S.
Case No. 246 of 2020 registered for the offences punishable
under Sections 302, 323, 504, 385, 355, 380, 452, 34 of the
Indian Penal Code.

3. Allegedly, all the accused persons including the
petitioners are said to have abused and threatened the
informant's side of dire consequences and also assaulted them
brutally by fists and kicks due to which they sustained several



injuries and mother-in-law of the informant died on the way to hospital. Later on, the informant's party buried the dead body of the deceased.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is old enmity between the parties. Prior to the present case, co-accused Anan Khan lodged an FIR as Bodhgaya (Cherki) P.S. Case No. 531 of 2018 against the prosecution party. There is no postmortem report and medical report in the present case. It is further submitted that earlier the police had filed the final form against the petitioners, but later on after re-investigation, the police has found the complicity of the petitioners and concluded that from the material available, no offence under Section 302 of the Indian Penal Code could be made against the petitioners, however, the only charge that could be made was under Section 304 and other allied sections of the Indian Penal Code. Petitioners have no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of the case as well as the nature of the offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

