

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69381 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Md. Rizwan Khan @ Md. Rijwan Khan @ Shahanshah Son of Md. Amir
Ahmad Resident of Village + P.O. - Kewas Nizamat PS- Samastipur Muffasil
Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Samastipur (M) P.S. Case No. 245 of 2024, registered on 07.07.2024 for the alleged offences under Sections 331(3), 127(2), 109, 115(2), 76, 352, 351(2), 351(3), 3(5) of B.N.S., 2023.

3. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant and assaulted him. The allegation against the petitioner is that he hit on the arm of the informant with the butt of the pistol and co-accused hit the informant on his head with *Farsa* causing



fracture. Other co-accused persons assaulted the sister of the informant with *lathi* and *danda* and put her down.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case is counterblast of the case lodged by the petitioner vide Muffasil P.S. Case No. 244 of 2024 under Sections 126(2), 115(2), 352, 351(2), 3(5) B.N.S., 2023 against the informant of this case and his family members. Learned counsel further submits that over some dispute a free fight between the two groups took place and both sides received injury. There is no application of Sections 109 & 76 B.N.S. as the allegation against the petitioner is that he was carrying pistol but did not fire upon the informant. There is no allegation against the petitioner for sexually assaulting the sister of the informant. The petitioner is having criminal antecedent of two cases lodged by the relatives of the informant. Learned counsel further submits that the rejection order of the learned Sessions Judge wrongly mentioned 3rd antecedent of the petitioner but the petitioner has no concern with Samastipur Muffasil P.S. Case No. 386 of 2022. Learned counsel further submits that moreover no injury on the arm of the informant was found and the injury of the informant is stated to be fracture at mid part of clavicle



and dislocation of hand. There is no allegation for causing such injury against the petitioner. The petitioner is in custody since 08.07.2024.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the earlier version of the case of the petitioner and further considering the absence of injury attributed to the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - II, Samastipur/concerned Court in connection with Samastipur (M) P.S. Case No. 245 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bonds of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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