

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80393 of 2024

Arising Out of PS. Case No.-404 Year-2024 Thana- SIKARPUR District- West Champaran

1. Kamal Khan Son of Mashiha Khan Resident of Village- Champapur, P.S.- Shikarpur, Distt.- West Champaran
2. Samir Khan Son of Mashiha Khan Resident of Village- Champapur, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Adv.
For the Opposite Party/s	:	Mr. Surendra Kumar, APP
For the Informant	:	Mr. Avinash Kumar Pandey, Adv.
	:	Mr. Aashish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The instant application for anticipatory bail have been filed by the petitioners apprehending their arrest in connection with Sikarpur P.S. Case no. 404 of 2024 instituted for the offence under Sections 341, 323, 324, 307, 379, 427, 504 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioners along with others being armed with an *iron rod, farsa, sword, knife*, arrived and started abusing. There is specific allegation against Kamal Khan is that he assaulted with an *iron rod* on the head of the informant due to which Zahid Ali received head



injury. After this, other accused persons assaulted Jahid. There is an specific allegation against petitioner no.2 (Samir Khan).

4. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is also submitted that there is also a counter version of this case. It has also been submitted that petitioners have also sustained injuries in the occurrence. From the facts and circumstances of this case, it appears to be a case of free fire in which both sides have received injury. Moreover, the direct allegation is against Kamal Khan (petitioner no. 1) and from perusal of the injury report, it appears that the nature of injury is simple in nature.

5. In contra, learned APP appearing for the State and learned counsel for the informant have opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Shikarpur P.S. Case No. 404 of



2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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

