

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- KANGLI District- West Champaran

1. Chand Khan S/O LATE TABRAK KHAN VILLAGE- SABAITHWA, BAHUARWA, PS. KANGALI, DIST. WEST CHAMPARAN.
2. IROJ KHAN S/O LATE TABRAK KHAN VILLAGE- SABAITHWA, BAHUARWA, PS. KANGALI, DIST. WEST CHAMPARAN.
3. DILSHAD KHAN S/O MD. JAHIR KHAN VILLAGE- SABAITHWA, BAHUARWA, PS. KANGALI, DIST. WEST CHAMPARAN.
4. IRSHAD KHAN @ ILSHAD KHAN S/O MD. JAHIR KHAN VILLAGE- SABAITHWA, BAHUARWA, PS. KANGALI, DIST. WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-01-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the petitioner and the State.

2. The petitioners are apprehending arrest in connection with Kangli P.S. Case No. 47 of 2023 instituted under Sections 147, 148, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code lodged on 21.7.2023 by the informant, Eklakh Khan.

3. As per the prosecution story, the informant alleges that his neighbour was making way on his land and upon protest, the accused persons assaulted and in the process, Firoj Khan assaulted on his head by means of 'Farsa' causing head injury. Further allegation against Iroj Khan (petitionre no.2) is of assaulting his younger brother, Wahidul Khan by means of 'lathi'



causing head injury. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that there is case and counter case and their side has also suffered. His further submission is that the injury upon Wahidul Khan by Iroj Khan has been found to be simple in nature.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submission put forward by the parties as also there is omnibus allegation of assault against others and injury upon Wahidul Khan caused by Iroj Khan has been found to be simple in nature and which was not on the head, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Kangli P.S. Case No. 47 of 2023 to the satisfaction of learned Judicial Magistrate-1st Class, Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) 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;

(vi) 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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