

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85840 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- HARSIDHI District- East Champaran

1. Shahrukh Khan @ Saruf Khan S/o Bhola Khan R/o vill-Paithan Patti, P.S-Harsidhi, Distt.-East Champaran
2. Sanu Khatoon @ Hanifa Khatoon W/o Bhola Khan R/o vill-Paithan Patti, P.S-Harsidhi, Distt.-East Champaran
3. Aarbun Khatoon @ Arban Nesha W/o Mobin Ray R/o vill-Paithan Patti, P.S-Harsidhi, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr.Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioners and Mr. Umeshanand Pandit, learned A.P.P. for the State.

2. This is second anticipatory bail petition. Earlier the petition, filed for grant of anticipatory bail on behalf of petitioners, stood dismissed, vide order dated 18.09.2023 passed in Cr.Misc. No. 45609 of 2023 (Annexure 1).

3. Learned counsel for the petitioners submits that earlier, the petition filed for grant of anticipatory bail was rejected on the submission made by learned A.P.P. for the State that process of Section 82/83 Cr.P.C. has been initiated against petitioners and as such, anticipatory bail is not maintainable,



however, it is an error of record. In fact, the learned Court below has only ordered to initiate the process of Section 82 Cr.P.C., but till date, it has not been issued. This fact has been stated in paragraph – 16 of the bail petition.

4. As per prosecution case, all the F.I.R. named accused persons including these petitioners, armed with different weapons, came to the house of informant's brother and brutally assaulted him, due to which, during course of treatment, he died.

5. So far as merit of the case is concerned, learned counsel for the petitioners submits that petitioners have been falsely implicated due to enmity. As per F.I.R. itself, there is no specific allegation of overt act against these petitioners, rather the allegation is general and omnibus in nature. In fact, the petitioners were not present at the place of occurrence, however; learned Court below has taken cognizance against all the accused persons including these petitioners. Petitioners have got clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for bail.

7. Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari (East Champaran) in connection with Harsidhi P.S. Case No. 358 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

anay

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

