

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3245 of 2024

Arising Out of PS. Case No.-514 Year-2016 Thana- SIKARPUR District- West Champaran

Mojamil Khan S/o Shani Khan RESIDENT OF VILLAGE- POKHARIYA,
P.S. SHIKARPUR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 307 and 302 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner came to be implicated in Shikarpur PS case No.
514 of 2016, registered under Sections 147, 148, 149, 323, 324,
307 and 302 of the IPC. Learned counsel next submits that from
perusal of the allegation as alleged in the FIR, it would manifest
that no specific allegation is alleged against the petitioner rather
the allegation is general and omnibus in nature.

4. It is next submitted that the informant alleges that
Sarfaraz Khan started abusing his sister-in-law when she was



throwing manure on his land, thereafter his sister-in-law came and disclosed about the incident to her family member, thereafter father of the informant went to the house of the petitioner to verify about the allegation, when it is alleged that petitioner along with other accused persons came variously armed and started assaulting the father of the informant and Sarfarz Khan gave *lathi* blow on the head of the father of the informant causing injury, thereafter Munna assaulted his brother by *lathi*, while Sunny Khatun assaulted his sister and brother. The learned counsel next submits that police after investigation submitted final form finding the allegation against the present petitioner to be false, but the learned trial court differing with the police report took cognizance.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submission made by learned counsel for the petitioner that police after investigation submitted final form in favor of the petitioner exonerating him of the allegation, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shikarpur PS case No. 514 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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