

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56353 of 2025

Arising Out of PS. Case No.-320 Year-2024 Thana- SUGAULI District- East Champaran

Sarfaraaj Khan S/O Moti Khan Resident of Village- Nakardei, P.S.-Sugauli,
District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate Ms. Isha Mishra, Advocate
For the State	:	Mr. Dhandev Kumar, Advocate Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 191(2), 191(3), 190, 329(3), 126(2), 115, 118(1), 109, 74, 76, 324(4) and 303(2) of the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. As per F.I.R., on 17.07.2024 at about 3:30 PM, all the F.I.R. named accused persons, including this petitioner, came to house of informant and assaulted informant and her family members by means of lathi, sword and farsa. It is further alleged that the accused persons also made indiscriminate firing.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. There is case and counter-case between the parties. Allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against the petitioner. Injuries sustained by the injured are simple in nature. Rest of the allegations are ornamental in order to make the case grave. Similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Hon'ble Court vide order dated 25.02.2025 passed in Cr. Misc. No. 85345 of 2024 and order dated 03.03.2025 passed in Cr. Misc. No. 7494 of 2025. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, nature of injuries sustained by the injured, claim based on parity and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Sugauli P. S. Case No. 320 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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