

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62620 of 2025

Arising Out of PS. Case No.-321 Year-2024 Thana- SUGAULI District- East Champaran

1. Mazid Khan S/O Rafik Khan Resident of village- Nakardei, P.S.- Sugauli, District- East Champaran
2. Lal Mohamad Khan S/O Rafik Khan Resident of village- Nakardei, P.S.- Sugauli, District- East Champaran
3. Bhuttu Khan S/O Rafik Khan Resident of village- Nakardei, P.S.- Sugauli, District- East Champaran
4. Azad Khan @ Ahad Khan S/O Late Jan Mohammad Khan Resident of village- Nakardei, P.S.- Sugauli, District- East Champaran
5. Samsul Khan S/O Idrish Khan Resident of village- Nakardei, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Shah Nawaz Ali, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-09-2025 Heard Mr. Md. Shah Nawaz Ali, learned counsel

for the petitioners and Mr. Bhanu Pratap Singh, learned APP for

the State.

2. The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 321 of 2024, F.I.R. dated 19.07.2024 for the offences punishable under Sections 126(2), 115, 118(1), 117(2), 109, 303(2), 3(5) of the Indian Penal Code and 27 of Arms Act.

3. Accordingly to the prosecution case, the petitioners



along with other co-accused persons assaulted the informant's husband and other family members with intention to kill.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that earlier the petitioners have move before this Court for grant of anticipatory bail and the petitioners were granted the privilege of anticipatory bail by this Court vide order dated 08.01.2025 in Cr. Misc. No. 89048 of 2024 but bail bond of the petitioners have bot been accepted by the learned trial Court on the ground that the petitioners have concealed their criminal antecedents. Thereafter the petitioners have filed modification application vide Cr. Misc. No. 14812 of 2025 but the same was dismissed on 05.03.2025. He further submits that inadvertently it has been mentioned in Cr. Misc. No. 89048 of 2024 that petitioners have clean antecedent.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that petitioner no.1 carries two criminal antecedents, petitioner no.3 carries one criminal antecedent and petitioner nos.2,4 & 5 carries three criminal antecedents. He further submits that petitioners have concealed the material fact before this court. Although the petitioners have been granted the



privilege of anticipatory bail by this Court but during verification it has been found by the learned Court below that the petitioners carry criminal antecedents other than the present case and in light of the condition imposed by this court, it has been found that the petitioners have criminal antecedents but they have concealed material fact before this Court and apart from that this is the second anticipatory bail application which is not maintainable and petitioners have not come before this Court with clean hands so they are not entitled for the reliefs as sought in the present bail application.

6. Considering the allegation and the fact, I am not inclined to grant the privilege of anticipatory bail to the petitioners in connection with Sugauli P.S. Case No. 321 of 2024 pending in the court of J.M. 1st Class, East Champaran.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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