

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79921 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Saif Ali Khan @ Kachumar Khan @ Kachumar S/o Jakir Hussain @ Jakir Hussain Khan @ Jakir Khan R/o Village- Malahi Tola, P.S.- Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80114 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Inzamamul Haque @ Munna Khan @ Izalmamul Haque Son of Anwarul Hasan Khan @ Anwarul Hasan @ Anwarul Khan R/O Vill.- Malahi Tola, P.S.- Kuchaikote, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79921 of 2024)

For the Petitioner/s : Mr.Devashish Giri, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 80114 of 2024)

For the Petitioner/s : Mr.Devashish Giri,Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-02-2025 Heard Mr. Devashish Giri, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, learned APP in both the cases.

2. The petitioners are apprehending their arrest in connection with Kuchaikote P.S. Case No. 312 of 2024 for the offence punishable under Sections 126(2)/341, 115(2)/323, 118(1)/324, 117(2)/325, 109/307, 3(5)/34 of the BNS/IPC



lodged on 18.07.2024 by the informant, Matihasan Khan.

3. As per the prosecution story, the informant alleged that when his son, Ahtashan Khan was going to his water plant, at Malahi Mor, the FIR named accused persons intercepted him and allegation against petitioner, Inzamamul Haque is of giving rod blow on the head while the petitioner, Saif Ali Khan assaulted on his leg by rod causing fracture. Further allegation is on Akram Khan @ Tunna and Zakir Hussain Khan. The son was rushed to Kuchaikote Hospital and then to the Sadar Hospital, Gopalganj from where he was shifted to Gorakhpur as his situation was critical. This led to the FIR.

4. Learned counsel for the petitioners in both the cases submits that the informant and the accused persons are agnates. He further submits that in the *Muharram* procession, as the injured entered in the said procession, got the injuries which has been given a different colour. It has also been informed that the investigation stands concluded, as such, they deserve bail.

5. Learned APP, Mr. Uma Shankar Prasad Singh opposes the prayer submitting that besides the fact that there is specific allegation against both the petitioners as recorded above, the two have criminal antecedents inasmuch as the petitioner Saif Ali Khan has three criminal antecedents while



petitioner, Inzamamul Haque is having four criminal antecedents. He further submits that even the bail application of Zakir Hussain and Akaram Khan has been rejected in Cr. Misc. No. 73719 of 2024.

6. Considering the aforesaid facts as also the submissions of the parties, the allegation is there against the two petitioners, they also have criminal antecedents, two of the similarly placed co-accused, as stated above, have been denied relief. In that background, this Court is not inclined to extend them relief.

7. The anticipatory bail applications of both the petitioners stand rejected.

8. However, if the two petitioners surrender within four weeks from today and file bail application, the same shall be considered and disposed of, if possible, on the same day.

9. Before parting, this Court would like to put on record its word of appreciation for Mr. Devashish Giri for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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