

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38679 of 2026**

Arising Out of PS. Case No.-220 Year-2020 Thana- HARSIDHI District- East Champaran

Sibu Khan @ Dulare Khan Son of Majid Khan @ Magid Kha Resident of village- Govindpur, Ward No. 15, P.S.- Harsidhi, District- East Champaran (Bihar)-845411.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Prasad

For the Opposite Party/s : Mr. Bhanu Pratap Singh

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      17-06-2026      Heard the parties.

2. The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No. 220 of 2020, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code and 27 of the Arms Act.

3. While the informant was returning on his motorcycle, in the meanwhile, the petitioner along with others surrounded him. There is allegation against all the accused persons, including the petitioner, of causing assault by means of iron rod and other weapons, besides the allegation of snatching valuables.

4. Learned Advocate for the petitioner submitted that besides the fact there is a case and counter case, the police after



investigation submitted charge sheet only under Sections 341, 323, 324, 308, 504/34 of the Indian Penal Code and accordingly, the petitioner and others were given the benefit of Section 41A of the Cr.P.C. However, learned court differing with the final report took cognizance as alleged in the FIR, including the penal provision of Section 307 of the IPC and, as such, the present application.

5. During the course of investigation, the injury sustained to the informant is said to be grievous in nature; however the same was found to be manipulated one and thereafter representation has been filed before the Investigating Officer as well as the Civil Surgeon-cum-Chief Medical Officer. In the aforesaid premise, an enquiry was initiated and the informant was asked to ensure his appearance but he never appeared before the Committee and thus his injury has further been declared to be a fabricated one, as is evident from Annexure-5 to the application.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner has brutally assaulted the informant and one of the injury has been found to be grievous in nature.

7. Having considered the submissions advanced by



the learned Advocates for the respective parties and taking note of the factum of case and counter case, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned concerned Court below in connection with Harsidhi P.S. Case No. 220 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

**(Sandeep Kumar, J)**

Vikas/-

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