

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43022 of 2015

Arising Out of PS.Case No. -139 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Sarafat Khan S/o Liyakat Khan
 2. Taufik Khan@Md. Taufik Khan S/o Liyakat Khan
 3. Afsarul Haq Khan S/o Md.Rafik Khan
 4. Saheb Raj Khan@Md. Khursid Khan S.o Aslam Khan
 5. Taj Mahammad Khan@Taj Mohammad S/o Sartaj Khan
 6. Harun Khan s/o Aslam Khan All resident of Village Dumari ,P.s
Durgawati Distt- kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Humayou Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Ansuiya Jaiswal(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-10-2015 Heard learned counsel for the petitioners and the
State.

Petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 147,
148, 149, 341, 307, 302, 504, 506 of the Indian Penal Code
and 27 of the Arms Act.

The prosecution case is that the accused persons



came in the house of the informant and made indiscriminate firing. Co-accused Sartaj Khan shot at Nausad Khan, causing injury on his neck and died on the spot, then co-accused Tauhid Khan shot at the neck of Nasruddin Khan, who is still under treatment. Other accused persons including the petitioners assaulted with lathi, danda and butt of the pistol, causing injury to Sahid Khan, Hafiz Khan and Md. Sarfaraz.

It is submitted by the learned counsel for the petitioners that accusation of firing is not against petitioners. There is no specific accusation against the petitioners. Specific accusation is only against Sartaz Khan and Md. Tauhid Khan. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

It is submitted by the learned counsel for the informant that prayer for bail of other similarly situated accused persons have been rejected by the Co-ordinate Bench of this Court vide Cr. Misc. No. 42271 of 2015.

Considering the fact that no overt act is specifically alleged against the petitioners.

Let the learned court below consider the prayer for regular bail of the petitioners, if they surrender before the learned court below within a period of six weeks from today in connection with Durgawati P.S. Case No. 139 of 2015, pending in the court of learned Chief Judicial Magistrate, Kaimur at

Bhabua.

With the above observation this application is disposed of.

(Dinesh Kumar Singh, J)

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