

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9535 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -KAKO District- JEHANABAD

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1. Jahir Khan Son of Jaffir Khan Resident of village - Nagma, P.S. Kako, Distt. - Jehanabad
 2. Munna Bind Son of Late Aklu Bind Resident of village - Daulatpur, P.S. Kako, Distt. - Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners are languishing in judicial custody since 27.10.2015 in connection with Kako P.S. Case No. 160/15 for offences alleged under Sections 341, 323, 307, 504/34 of the Indian Penal Code and under Sections 25(1-B) a, 26/27 of the Arms Act.

The prosecution case, as lodged by the informant, is that a quarrel ensued between the informant and petitioner Jahir Khan when they were drinking wine. On 26.02.2015 at about 5.00 P.M. Jahir Khan and Munna Bind reached at his door and started abusing him and also assaulted him with fists. When he ran away



then with intention to kill Jahir Khan fired on him but somehow his life was saved and by then large number of people assembled there. Sanjay Singh informed the police station and police force reached at village. After seeing the police both started to flee away but police force and villagers chased and caught them. One loaded country-made katta has been recovered from the possession of Jahir Khan and a 9 mm pistol along with four live cartridges have been recovered from the possession of Munna Bind and both were taken into custody.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. It has further been submitted that petitioners and the informant were close friends and for a minor dispute this occurrence took place in which no injury has been caused, as such, Section 307 I.P.C. is not applicable. He further submits that on the advice of well-wishers and friends a compromise between the informant and the petitioners has taken place.

Learned APP for the State, however, submits that the petitioners are named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioners, above named, be

released on bail on furnishing bail bonds of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 160/15. However, it is made clear that since both the petitioners are involved in another case, if in future, the petitioners are found to have indulged in a case of similar nature, the learned court below will be at liberty to cancel the bail bond of the petitioners without being prejudiced with this order.

Rajesh/-

(Nilu Agrawal, J.)

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