

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32663 of 2017

Arising Out of PS.Case No. -38 Year- 2016 Thana -KOTHIGRAM District- GAYA

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Md. Shagir Khan @ Md. Shahgir Khan @ Chota Kamla, son of Late Basir Ahmed Khan @ Lallu Khan, resident of Village- Viraj, P.S.- Suhail, Distt- Gaya at Present Address- Vill- Kothi, P.S.- Kothi, Distt- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Sharma, Adv

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 05.01.2017 in connection with Kothi P.S. Case No. 38 of 2016 (S. Trial No. 18 of 17/85 of 2017) for the alleged offences under Sections 302, 34 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and the petitioner is not named in the FIR. His name has surfaced on the extra judicial confessional statement of co-accused Shane Ali Khan. Similarly situated co-accused Gulfam Khan has already been granted bail by this Court in Cr. Misc. No. 18633 of 2017. The petitioner is on bail in the other cases in which he is accused.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, Gaya, in connection with



Kothi P.S. Case No. 38 of 2016 (S. Trial No. 18 of 17/85 of 2017) on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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