

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49383 of 2017

Arising Out of PS.Case No. -514 Year- 2016 Thana -SHIKARPUR District- WESTCHAMPARAN(BETTIAH)

=====

Shani Khan @ Sani Khan S/o Late Abdul Khan village Pokhariya Maldahia
P.S. Shikarpur Dist. West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Smt. Rita Verma, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 17-10-2017

Heard learned counsel for the petitioner and learned
APP for the State.

This is a case registered under Sections 147,148,
149,323,324,307 of the Indian Penal Code and later on Section
302 IPC was added.

The FIR alleges that as a result of dumping of some
manure in the field the dispute arises between the informant and
the accused persons. It is alleged that when the informant's father
made query from the accused persons they armed with deadly
weapon came and one of the co-accused namely, Sarfaraz Khan
gave lathi blow on his head with intention to commit murder due
to which his father died in course of treatment.

Counsel for the petitioner submits that the petitioner
who is 75 years old has falsely been implicated in the instant case



and there is no allegation against him of assaulting the deceased. It is further submitted that prior to the instant case the petitioner has no criminal antecedent and other accused person namely, Munna Khan has been granted bail in Cr. Misc. No. 20473 of 2017 vide order dated 23.06.2017.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran at Bettiah in Shikarpur P.S. Case No. 514 of 2016 subject to the conditions :

- (i) That one of the bailors will be a close relative of the Petitioner who will give an affidavit giving genealogy as to how he is related with the Petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioner.
- (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and if he is, he shall not be released on bail.
- (iii) That the bailor shall also state on affidavit that he will inform the court concerned if the Petitioner is implicated



in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

- (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.
- (v) That the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

U		T	
---	--	---	--

