

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22010 of 2017

Arising Out of PS.Case No. -56 Year- 2008 Thana -SHERGHATI District- GAYA

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Nasim Khan Son of Nasruddin Khan, Resident of Village- Karmauni, P.S.- Sherghati (Dobhi), District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 21-06-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Sherghati (Dobhi) P.S. Case No. 56 of 2008 registered for offences under sections 302 and 201 of the Indian Penal Code.

The dead body of the deceased is said to have been found at Bela Mauja.

It is submitted by the learned counsel for the petitioner that the petitioner is quite innocent as there is no specific allegation against him. As a matter of fact, the deceased was shot by some unknown persons in a Barat Party of the marriage of Nasaruddin Khan. The petitioner along with others shifted the injured to the clinic of Dr. Mukhtar Khan in the night, but the said Doctor refused



to give medical aid to the victim, who ultimately died. There is no specific allegation against the petitioner, he is not named in the First Information Report and there is nothing on record to complicit the petitioner in the aforesaid occurrence.

From perusal of the impugned order it appears that on refusal of giving treatment to the injured by the Doctor, the petitioner and others killed the injured by tying rope in his neck and threw his dead body at Bela Mauza, but the impugned order itself indicates that the victim died due to fire arms injury and not due to asphyxia or strangulation.

Considering the aforesaid facts, the above named, petitioner, in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 56 of 2008, subject to the condition as laid down under Section 438 (2) Cr. P.C.

(Prakash Chandra Jaiswal, J)

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