

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.304 of 2018

Arising Out of PS.Case No. -128 Year- 2017 Thana -MAHESHKHUNT District- KHAGARIA

- =====
1. Nirala Khan, Son of Akbar Khan, Resident of Village- English Bani.
 2. Captain Khan, Son of Sahabuddin Khan, Resident of Village- Salim Nagar, Both Police Station- Maheshkhunt, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Viveka Nand Singh, Advocate
For the S t a t e : Sri Satyendra Narayan Singh, APP
For the Informant : Mr. Amaresh Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-02-2018 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioners are in custody on their surrender since 16.10.2017 in connection with Maheshkhut P.S. Case No.128 of 2017 registered for the offences under Sections 307 and 120B of the Indian Penal Code and Section 27 of the Arms Act, which is pending in the court of learned A.C.J.M.-III, Khagaria.

Learned counsel for the petitioners submits that the two petitioners have themselves surrendered before the court and at best, they can be alleged to be the conspirators and not the main assailants. It is further submitted that the petitioners have been languishing in jail and that they are not having any



criminal antecedents.

Learned counsel for the informant after perusal of the case diary submits that petitioner no.1 is a co-villager, who had purposefully taken the informant for some work and on their return he had stopped the motorcycle, whereupon the cousin brother of Petitioner No.2 Captain Khan along with one unknown person, who had concealed himself in *Gamchcha*, had fired upon the informant leading to serious injuries. He thus submits that the petitioners should not be extended the privilege of regular bail.

Learned counsel for the State after perusal of the case diary strenuously urged that the petitioners were part of the conspiracy and do not deserve the benefit of regular bail.

Be that as it may, the role of the petitioners has been described as Conspirators. Though this Court is not inclined to grant regular bail for the present, liberty is given to the petitioners to approach the court below after framing of charge.

The bail application stands rejected.

(Anjana Mishra, J)

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