

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53386 of 2018

Arising Out of PS.Case No. -115 Year- 2018 Thana -AMAS District- GAYA

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1. Nausher Khan S/o Late Zubair Khan, R/o vill.- Sihuli, P.S.- Amas,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 05-10-2018 Heard the parties.

The petitioner seeks bail in Amas P.S.Case No.115 of
2918 registered for the offences under Sections 447, 302/34 of the
I.P.C. and Section 27 of the Arms Act.

Petitioner is named in the F.I.R. and it is alleged that on
hearing the sound of firing the informant went and saw his brother
Md. Arif Khan lying dead and it is further alleged that three
persons including the petitioner having armed were seen fleeing.

Submission on behalf of the learned counsel for the
petitioner is that the police reached the place of occurrence and
none has been named and after six hours of the occurrence fard
beyan has been recorded and petitioner has been named only
because there was enmity from before. Moreover, it is alleged that



petitioner and others were seen fleeing away. It has also been submitted that wife of deceased was also sleeping there but she has not named this petitioner. He is in custody since 10.6.2018 having no criminal antecedent.

Heard the learned A.P.P. and the informant also who opposed the prayer for bail of the petitioner.

Having heard both sides and in view of the facts and circumstances of the case, as stated above, this application is disposed of with direction that once petitioner completes six months in custody or charge has been framed, whichever is earlier, he will be released on bail to the satisfaction of the court concerned.

With the aforesaid observation this application is disposed of.

(Vinod Kumar Sinha, J)

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