

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68032 of 2018

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

Md. Jalil @ Md. Jalil Khan, S/O Md. Eliyash Khan @ Ilyas Khan, R/V- Salim
Nagar, P.S. Maheshkhunt, District-Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate.
For the Opposite Party : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 307, 120(B) of the IPC
and 27 of the Arms Act.

The prosecution story, in brief, is that on 24.09.2017
at 9.00 A.M. the informant was going towards his village by
Motorcycle being driven by co-accused Nirala Khan. When he
reached near Bani Cemetery, co-accused Nirala Khan stopped
the Motorcycle on seeing co-accused Captain Khan alongwith
one person of Banni. In the meantime, some persons shot at his
back and further opened indiscriminate firing causing injury on
his testicle and above waist. He fell down and his cousin brother
Captain Khan, Nirala Khan, person of English Banni and others



fled away towards the field.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. As per F.I.R., an unknown is said to have fired upon the informant. Subsequently, the informant in paragraph no. 49 of the case diary has stated that the F.I.R. named accused persons had fired upon the informant. The Investigating Officer in course of investigation on the basis of secret information has named the petitioner in the present case. Except for that there is no other substantive evidence to suggest the implication of the petitioner in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class,



Khagaria, in connection with Maheshkhut P.S. Case No. 128 of
2017, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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