

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3147 of 2018

Arising Out of PS.Case No. -379 Year- 2017 Thana -GOGRI District- KHAGARIA

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1. Md. Gulab Khan @ Gulab Khan S/o Rauf Khan @ Md. Rauf , R/o
Village- Ward No. 1 Ratan, P.S.- Gogri, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr. Sri Ramesh Chandra
For the Informant : Mr. Anamul Haque, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-01-2018 Heard learned counsel for the petitioner and learned

APP for the State who has been assisted by learned counsel
representing the informant.

The petitioner, in the present case, is seeking regular
bail in connection with S.C. No.421 of 2017, arising out of Gogri
P.S. Case No 379 of 2017, registered for offences alleged under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner submits that from
bare perusal of the First Information Report it would appear that
according to the informant, Sarfaraj had fired upon the mother of
this informant and entire allegation of four rounds of firing have



been made against Sarfaraj only. It has been submitted that the petitioner has been falsely implicated in this case only because he happens to be the brother of said Sarfaraj. It is also submitted that petitioner has no criminal history and one of the co-accused namely, Jakir Khan has been granted privilege of regular bail by a coordinate Bench of this Court vide order dated 12.01.2018 passed in Criminal Miscellaneous No. 2070 of 2018.

Learned APP for the State submits that charge-sheet has already been filed in this case against the petitioner, this petitioner was also a member of the mob who had fired at the time of alleged occurrence and he raised apprehension that some hindrance may be created by him to the witnesses.

Considering the entire facts and circumstances of the case, particularly the fact that there is no allegation of firing against the petitioner and similarly situated accused has been granted bail by this Court, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Fast Track Court-1st, Khagaria in connection with S.C.No.421 of 2017, arising out of Gogri P.S. Case No.379 of 2017, subject to the conditions U/S 437(3) Cr.P.C and subject to the further condition that the petitioner shall not



indulged in threatening any of the witnesses and if a prima facie case is found in this regard, the Court may consider cancellation of his bail. The petitioner shall cooperate in course of trial and shall make himself present on the date fixed before the trial court. Two consecutive failures to attend the trial without there being any plausible reason shall invite cancellation of his bail.

(Rajeev Ranjan Prasad, J)

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