

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3484 of 2019

Arising Out of PS. Case No.-168 Year-2016 Thana- WAJIRGANJ District- Gaya

1. Amjad Kha @ Amjad Ali Kha, son of Hashmat Kha Resident of Village- Chain Bigha, P.S.- Wazirganj, District -Gaya.
2. Hashmat Kha, son of Late Abdul Kha, Resident of Village- Chain Bigha, P.S.- Wazirganj, District -Gaya.
3. Md. Shamim Khan @ Shamim Kha @ Sami, son of Hasan Khan @ Amihasan Kha, Resident of Village- Chain Bigha, P.S.- Wazirganj, District -Gaya.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 27-02-2019 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in Wazirganj P.S. Case No. 168 of 2016 registered under Sections 147, 148, 149, 341, 323, 379, 307, 302, 504 & 506 of the Indian Penal Code.

Petitioners along with two other accused persons are said to have assaulted the father of the informant by means of lathi and rod which proved fatal. They also said to have assaulted the informant by the lathi and rod.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. The petitioners have committed no offence and have no concern with the aforesaid occurrence. They have been falsely implicated in this



case. The allegation levelled against the petitioners are not specific rather general and omnibus in nature. There is no injury report of the informant. So far as assault on the father of the informant is concerned, though one abrasion and one lacerated wound was found on the eyebrow of the deceased but besides that injury one infected wound with discharging pus on the abdomen was also found by the doctor and the doctor has not opined the cause of death rather reserved the opinion till receiving of the viscera report. Co-accused, namely, Rahmat Khan has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 23.08.2018 passed in Cr. Misc. No. 38271 of 2018. The petitioner has been languishing in custody since 31.10.2018.

Considering the facts aforesaid, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Gaya in connection with Wazirganj P.S. Case No.168 of 2016.

(Prakash Chandra Jaiswal, J)

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