

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8667 of 2019**

Arising Out of PS. Case No.-172 Year-2017 Thana- RAGHUNATHPUR District- Siwan

Junaid Khan @ Junaud Hasan, son of Late Adalat Khan @ Late Adalat Hussain Khan, resident of village – Salempur, P.S. Raghunathpur, Distt-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 26-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 448, 120B, 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, the petitioner is main assailant of the deceased. Earlier prayer for bail was refused on 19.07.2018 in Cr. Misc. No. 28911 of 2018.

Learned counsel for the petitioner submits that on the earlier occasion the case diary was not perused. Now the case diary is available. Para 9 of the case diary would suggest that first the police got information of the murder on 01.10.2017 at 07:20 pm. The police came to the place of occurrence found the dead body and then the family members of the deceased reached. Dead body was sent for postmortem examination and



the spies of the police were put in action to get information about the assailant. Thereafter, fardbeyan of the informant was recorded on 02.10.2017 at 10:05am naming the petitioner and others. The petitioner and others were assailant was not seen by the informant rather he was informed.

Learned counsel for the informant submits that the mother of the informant, the wife of the informant and the independent witnesses in para 4 and 5 of the case diary have stated that they had seen the occurrence wherein the petitioner had committed firearm injury and death of the victim.

Further submission is that the postmortem report would reveal that single firearm injury was found at the chest of the deceased, which corroborates the prosecution allegation and claim of the eye witness. Petitioner is in custody since 30.11.2017.

Considering the entire facts and conflicting materials, let the petitioner, above named, be released on bail **after framing of charges** on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raghunathpur Police Station Case No. 172 of 2017, with the following conditions:



(a) Both the bailors shall be the resident of territorial jurisdiction of the learned court-below having immovable property.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Rajan/Banti

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