

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10710 of 2019

Arising Out of PS. Case No.-103 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

GAZI KHAN Son of Akhatar Khan Resident of Village – Simraur, P.S.
Nimchak Bathani, District Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Manish Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147/148/149/302/120B IPC and Section 27 of the Arms Act registered in connection with Nimchak Bathani P.S. Case No. 103/2018.

3. It is submitted that the petitioner has been falsely implicated and he happens to be the nephew of the informant. The petitioner has not been named in the FIR, rather the informant himself has named the petitioner two days thereafter as an after thought. The petitioner's case stand on a better footing than Md. Abbas Mian @ Md. Abbas and others who fired upon the informant's son causing his death, who has been granted anticipatory bail by this Court in Cr. Misc. 76426 of 2018.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of like amount each to the satisfaction of learned ACJM X, Gaya, in connection with Nimchak Bathani P.S. Case No. 103/2018, subject to the conditions as laid down under Section



438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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