

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1772 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BARGAINIA District- Sitamarhi

Aijaj Khan, age about 23 years (M), S/o Late Hasib Khan, Resident of Village - Akhta Gote, P.S. Bairgania, District, Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10748 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BARGAINIA District- Sitamarhi

Md. Akram Khan @ Ekram Khan, age about 34 year (M), Son of Late Hasib Khan, Resident of Village - Akhta Gote, P.S- Bairgania, Distt – Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11342 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BARGAINIA District- Sitamarhi

1. SHAHID KHAN, age about 20 years (M), Son of Kashamira Khan
2. Salman Khan, age about 20 years (M), Son of Asraf Kan @ Bhola Khan, Resident of Village - Akhta Gote, P.S.- Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11581 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BARGAINIA District- Sitamarhi

Fida Hussain @ Md. Kalamuddin, age about 34 years (M), Son of Jalaluddin Darji, Resident of Village - Akhta Gote, P.S.- Bairgania, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 1772 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Sri Jagdhar Prasad

(In CRIMINAL MISCELLANEOUS No. 10748 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 11342 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 11581 of 2019)

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 01-04-2019 Heard learned counsel for the parties.

Petitioners seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 325, 323, 324, 307, 120(b), 34, 302 of the Indian Penal Code and Section 27 of the Arms Act.

Informant has alleged that on 19.09.2018 at 7.30 a.m. while the informant with his uncle Neyazuddin Khan were going to his shop, petitioners along with other accused armed with lathi, danda, farsa, sword, rifle etc. surrounded uncle of the informant and started abusing him as to why he was opposing misdeeds of accused. It is alleged that accused Md. Rustam Khan fired upon uncle of the informant by rifle causing injury on his Temple. Ekram Khan (petitioner) and Imran Khan assaulted the uncle of the informant on his head by means of lathi as a result of which, he fell down. There is general and



omnibus allegation against all the accused persons to assault him by means of danda, farsa, sword etc. Uncle of the informant was brought to hospital where he succumbed to his injuries.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case. It has further been submitted that specific allegation of firing is against co-accused, Rustam Khan and, thereafter, allegation of assault on head is against Akram Khan (petitioner) and Imran Khan who alleged to have assaulted by means of lathi upon the uncle of the informant and against other, there is general and omnibus allegation. In postmortem report cause of death is fire arm injury and head injury.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner Md. Akram Khan of Cr. Misc. No.10748 of 2019 on bail. Hence, his prayer for bail is hereby rejected.

However, considering the facts and circumstances of the case, let the petitioners, Aijaj Khan of Cr. Misc. No.1772 of 2019, Shahid Khan, Salman Khan of Cr.



Misc. No.11342 of 2019 and Fida Hussain @ Md. Kalamuddin of Cr. Misc. No.11581 of 2019 be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Bairstania P.S. Case No. 222/18, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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