

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14405 of 2019

Arising Out of PS. Case No.-117 Year-2014 Thana- SHERGHATI District- Gaya

PAPPU KHAN @ TAUSIF KHAN Son of Jawed Khan @ Jauad Khan
Resident of Village - Ratanpura, Bishunpura, P.S.- Sherghati, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 14-05-2019 This application, for grant of anticipatory bail, arises out of Sherghati P.S. Case No. 117/2014, disclosing offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation as per F.I.R. is that while the informant, his father and one Sajid Khan was going to Sherghati police station, co-accused persons surrounded them and fired on them, which hit in the chest of father of the informant due to which he died.

Submission of learned counsel for the petitioner is that he is not named in the F.I.R. and his name has been dragged in this case after three and half years and similarly situated co-accused, namely, Sohail Ahmad Khan has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court vide order dated 26.03.2019 passed in Cr. Misc. No.



18034 of 2014.

Learned counsel for the State submitted that in this case process under Section 82 and 83 Cr.P.C. has already been exhausted, which will appear from paragraph 393 of the case diary.

Having heard both sides, considering the fact that process under Section 82 and 83 Cr.P.C. has already been exhausted, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather he may move before the court below for grant of regular bail, which will be dispose of by the court below considering the materials available on record as well as submission that similarly situated co-accused has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, if possible on same day, without being prejudiced by this order.

This application is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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