

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38043 of 2019**

Arising Out of PS. Case No.-739 Year-2018 Thana- ARA NAGAR District- Bhojpur

RAJU KHAN S/o Jalal R/o Muhalla- Kasai Tola (Najirganj), P.S.- Ara Nagar,
Distt.- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Shyameshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-07-2019 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner has filed this application for grant of bail in connection with Sessions Trial No.117 of 2019 arising out of Ara Nagar P.S. Case No.739 of 2018 registered for the offence under Sections 387, 302, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the F.I.R. is that nine named accused persons including the petitioner herein with 4/5 unknown persons entered into the shop of the informant and made a demand of Rs.10 lacs which was refused by the brother of the informant. Thereafter it is alleged that Khurshid Qurashi and Naiyar Miyan fired on the brother of the informant as a result of which he died. Thereafter Babli Mian and Shamsheer



Mian also fired hitting the informant in his stomach.

It is submitted by learned counsel for the petitioner that no overt act has been alleged against the petitioner and the case of the petitioner stands on a similar footing to other co – accused who have been granted bail by this Court vide order dated 27.06.2019 passed in Cr.Misc.No.25902 of 2019.

Learned counsel for the informant opposed the prayer for bail on the ground and that this petitioner was armed with pistol and was present at the time of firing at the place of occurrence.

Learned A.P.P. for the State also opposed the prayer for bail of the petitioner.

Having heard learned counsel for the parties, taking into consideration that no overt act has been alleged against the petitioner and that co-accused persons have been enlarged on bail, the Court is inclined to enlarge the petitioner on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of A.D.J.-IX, Bhojpur at Ara, in S.Tr.No.117 of 2019 arising out of Ara Town P.S. Case No.739 of 2018. It is directed that the petitioner shall make himself available in the court below in course of trial on each and every



date. In the event of the petitioner not appearing on two consecutive dates in course of trial for no good reason the trial court shall proceed to take steps for cancellation of his bail.

(Partha Sarthy, J)

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