

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66449 of 2019**

Arising Out of PS. Case No.-114 Year-2018 Thana- SIMRA District- West
Champaran

- =====
1. FIROZ KHAN Son of Faiyaz Khan @ Fariyaz Khan Resident of Village-
Bairati, P.S.- Simra, District- West Champaran
 2. Nurul Khan Son of Bhikhari Khan @ Taiyab Khan Resident of Village-
Bairati, P.S.- Simra, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Kumar Malendu, Advocate.

For the Opposite Party: Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 04-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302 and 34 of the Indian Penal Code registered in connection with Simra (Cheutaha) P.S. Case No. 114 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged murder of the informant's son. It is submitted that after due investigation chargesheet has been filed against four out of six accused persons including the petitioners and one other co-accused have not been sent up for trial but differing from the same, cognizance has been taken against the petitioners as well. It is submitted that the informant's son had illicit relationship with the daughter of Gheghan Mian with whom however the petitioners have no relationship. The petitioners' case stands on better footing than



the aforesaid Gheghan Mian who has since been granted bail in Cr. Misc. No. 79015 of 2018. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri Sonu Kumar, learned Judicial Magistrate 1st Class, Bagaha, West Champaran, in connection with Simra (Cheutaha) P.S. Case No. 114 of 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 petitioners.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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