

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4594 of 2019

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

Md. Shahjad Khan @ Shahjad Khan, Son of Munna Khan, Resident of Village- Akhta Got, P.S.- Bairgania (Suppi), District- Sitamarhi through his father and natural guardian Munna Khan (male), aged about-48 Years, Son of Pir Khan, Resident of Village- Akhta Got, P.S.- Bairgania (Suppi), District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Pushpendra Kumar Singh
For the Respondent/s	:	Mr.Abhay Kumar
For the Informant	:	Mr. Ashhar Mustafa

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-11-2019 Heard learned counsel for the appellant and learned counsel representing the State as well as learned counsel for the informant.

The appellant, in the present appeal, is seeking regular bail in connection with Bairgania P.S. Case No.222 of 2018 registered for the offence punishable under Sections 147, 148, 149, 325, 323, 324, 307, 120(b), 34 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the appellant submits that the appellant has falsely been implicated in this case by the informant with oblique motive. Learned counsel submits that on the alleged date of occurrence the appellant was 16 years and 5 months old



and in the two FIRs as contained in Annexure-1 and 3 there are differences in the prosecution story. It is also submitted that the similarly situated co-accused have been granted regular bail by a learned coordinate Bench of this Court vide Annexure-5 to the present appeal.

Learned counsel for the State as well as learned counsel for the informant have opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that on the alleged date of occurrence this appellant was 16 years and 5 months old, in the two FIRs as contained in Annexure-1 and 3 there are differences in the prosecution story and further that similarly situated accused have been granted regular bail by a learned coordinate Bench of this Court vide Annexure-5 to the present appeal on 01.04.2019 and that the appellant is in custody since 20.09.2018 and the fact that the similarly situated accused persons have been enlarged on bail has not been controverted by learned counsel for the informant and learned counsel for the State, let the appellant above named be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned District Judge-I, Sitamarhi-cum-Special Judge, (Children Court) Sitamarhi in connection with Bairgania P.S. Case No.222 of 2018,



subject to the condition as laid down under Section 437 (3) Cr.P.C.
as under:

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar
to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not directly or indirectly
make any inducement, threat or promise to any person acquainted
with the facts of the case so as to dissuade him from disclosing
such facts to the Court or to any Police officer or tamper with the
evidence.

(Rajeev Ranjan Prasad, J)

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