

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19948 of 2020

Arising Out of PS. Case No.-93 Year-2019 Thana- GURUA District- Gaya

Matol Khan @ Matola Khan @ Matala Khan Son of Late Mazid Khan,
Resident of Village- Ganharia, P.S.- Gurua, District- Gaya. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Praveen Kumar
Mr. Vikram Deo Singh
Mr. M.K. Nirala

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 05-10-2020 Heard Mr. Sharda Nand Mishra, learned counsel appearing on behalf of the petitioner and Mr. Vikram Deo Singh, learned counsel for the informant as well as Mr. Mritunjay Kumar Nirala, learned counsel representing the State through Video Conferencing.

In this case, the petitioner is seeking bail in connection with Gurua P.S. Case No. 93 of 2019 registered for offence punishable under sections 147, 148, 149, 302, 504, 506, 120B of the Indian Penal Code and 27 of the Arms Act.

The petitioner had earlier moved before this Court for grant of regular bail in Cr. Misc. No. 59578 of 2019 and the same has been rejected, vide order dated 20.11.2019.

On the last date, submission was made by the counsel for the informant that the grandson of the petitioner at his behest has filed a criminal case against the informant under section 307



of the Indian Penal Code.

Today, learned counsel for the petitioner submits that the case, which has been filed by his grandson, the informant is not an accused, but Razauddin Khan, Kazo Khan, Sahjad Khan, Aariz Khan and Adnam are accused. It has been submitted that the informant has made wrong statement in order to ensure his stay in jail.

In reply, the counsel for the informant submits that Razauddin Khan is the brother-in-law of the informant. Kazo Khan and Sahjad Khan are sons of his own sister and Aariz Khan and Adnam are relative of the informant. He further submits that Sahjad Khan is witness of the incident and in order to create pressure on the informant, such case has been lodged against the close relative of the informant. He further submits that he will not raise any objection if the petitioner is granted bail but he only wants that the informant and Sahjad Khan should be examined without any hindrance, for that, he is ready to keep them to be present in the court for the purpose of prosecution to examine them on the first date of hearing of the trial.

In such view of the matter, the prosecution is directed to produce the informant and Sahjad Khan on the first date of



the hearing of the case arising from Gurua P.S. Case No. 93 of 2019 registered in the aforesaid sections and examine them on day to day basis without any adjournment to either side.

Accordingly, this application is disposed of with a direction to the prosecution to examine both the witnesses, preferably on the first date of hearing of the trial on day to day basis. If any of the witnesses would not remain present on the first date of the hearing of the trial or after the examination of both witnesses, in both circumstances, the court below will release the petitioner on regular bail on his furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to its satisfaction in connection with Gurua P.S. Case No. 93 of 2019, subject to the condition that one of the bailors of the petitioner shall be a close relative. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when on each and every date. If he would remain absent for two consecutive dates without any reasonable cause, the court below will be at liberty to cancel the bail bond of the petitioner.

(Shivaji Pandey, J)

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