

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14649 of 2021**

Arising Out of PS. Case No.-293 Year-2020 Thana- GAYA KOTWALI District- Gaya

ARVAZ @ MD. ARWAZ KHAN @ ARWAZ KHAN S/o Late Sahadat @
Shaahdat Khan Resident of Muhalla- Ekbal Nagar, P.S.- Kotwali, Gaya, Distt-
Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bachan Jee Oha, Advocate
	:	Mr. Anand Kumar Ojha, Advocate
For the Opposite Party/s	:	Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 10-09-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha
Devi, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kotwali Gaya P.S. Case No. 293 of 2020
registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code and Section 27 of the
Arms Act. He is in custody since 23.08.2020.

As per the prosecution story the deceased who was
working as a helper in a garage was going to attend his work. It
is alleged that at about 2 pm, all the seven named accused

persons along with seven-eight unknown persons took him to Pahasi railway line for giving him ganja and there they killed him.

Learned counsel for the petitioner submits that in course of investigation it has come that the co-accused Md. Ali had been seen with the deceased on his motorcycle, the deceased was then brought to a place from where this petitioner had also accommodated him and they had gone to the place of co-accused Mantu Yadav. It is alleged that Mantu Yadav is engaged in trade of lottery and other illegal acts and the investigation has revealed that Mantu Yadav and Shivam had killed the deceased on account of some disputes over lottery money.

Learned counsel submits that so far as this petitioner is concerned, he has been implicated in this case on mere suspicion.

Ms. Asha Devi, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but has read out the statements made in paragraph '58', '62' and '76' of the case diary in which the main assailant is said to be Mantu Yadav. The post-mortem report has revealed only one fire-arm injury on the chest of the deceased and that is the cause of death.

Considering the facts and circumstances of the case, in the nature of the materials discussed hereinabove, there being no allegation of commission of overt act against this petitioner, let him be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Kotwali Gaya P.S. Case No. 293 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.