

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14763 of 2021**

Arising Out of PS. Case No.-31 Year-2008 Thana- NIMCHAKBATHANI District- Gaya

Nasrullah Khan @ Md. Nasrullah Khan @ Md. Nasrulla Khan @ Md. Nasrulla, Son of Zaheed Khan, Resident of Village- Horidih, P.S.- Nimchak Bathani, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Ajit Kumar, APP
For the Informant	:	Mr. Kunwar Narayan Jamuar, Advocate

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 08-09-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks bail in connection with Nimchak Bathani P.S. Case No.31 of 2008 registered for the offence punishable under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act. Subsequently, Section 302 I.P.C.



has also been added.

The allegation in the FIR is that the instant petitioner was found fleeing away after the informant's father has been shot.

The petitioner had earlier moved this Court for grant of bail in Cr.Misc. No.80182 of 2019. Having regard to the fact that the petitioner was arrested in September, 2019, though the case was of the year 2008, this Court rejected the petitioner's prayer for bail with an observation that if the trial is not concluded within one year, he would be at liberty to renew his prayer for bail.

In the said circumstance, this Court had called for a report in the instant proceedings regarding the stage of the trial. Out of ten charge-sheeted witnesses, nine remain to be examined, as per the report of the court dated 27.08.2021. In between rejection of the petitioner's prayer for bail in Cr.Misc. No.80182 of 2019 and today, there is difference of nearly two years.

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

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of



grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Gaya, in connection with Sessions Trial No.17/20 (02/20) arising out of Nimchak Bathani P.S. Case No.31 of 2008, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner would be obliged to appear in the court on each and every date, failure to appear would constitute ground for the court to pass appropriate order, including cancellation of bail.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

