

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5871 of 2021

Arising Out of PS. Case No.-521 Year-2018 Thana- KAHALGAON District- Bhagalpur

Siraj Khan @ Md. Siraj Khan, Son of Zabbar Khan, Resident of Village-
Chhoti Karikado, P.S.-Shivnarayanpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 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.

The petitioner seeks bail in connection with Kahalgaon (Shivnarayanpur) P.S. Case No.521 of 2018 registered for the offence punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Informant's father has been found dead with a gunshot injury in his mouth.



The allegation is that the informant's father had purchased 75 decimals of land from co-accused Shekh Jalal, who later sold the same to Md. Afroz Khan. Dispute based on these transactions, has led to threatening being meted out to the informant. 15-20 days prior to the date of occurrence, wherein various persons, including the petitioner, have come to threaten the informant's family, suspicion has been cast on the said persons.

It is submitted by the petitioner's counsel that there is no direct evidence against the petitioner. Investigation of the case is complete. Other co-accused, namely, Shekh Firoz and Aurangzeb Khan, who are alleged to be part of the group which came to the house of the informant to threaten them, have been allowed bail in Cr. Misc. No.5626 of 2019 and in Cr.Misc. No.38253 of 2020, respectively. The petitioner has no criminal antecedents and is in custody since 02.06.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the court of learned C.J.M., Bhagalpur, in connection with Kahalgaon (Shivnarayanpur) P.S. Case No.521 of 2018, 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 will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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)

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