

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13007 of 2022**

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

Afroj Khan @ Md. Afroj Khan S/o Zabbar Khan R/o village- Chhoti
Karikado, P.S.- Kahalgaon (Shivnarayanpur), District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 07-07-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
KAHALGAON (Shivnarayanpur) P.S. Case No. 521 of 2018
(District Bhagalpur), lodged under Sections 302, 120-B of
Indian Penal Code and Section 27 of the Arms Act.

As per the allegation made in the F.I.R. the
informant has intimated that in the morning of 15.08.2018 when
his mother reached at cow shed then found that his father died
due to gun shot and present case was filed against 11 named
accused including the present petitioner, on suspicion.

Learned counsel for the petitioner submits that the
name of the petitioner has figured in this case only and only on
the basis of suspicion due to so called land dispute, whereas

from the FIR itself it transpires that petitioner has purchased this land in the year 2013 itself. He further submits that present petitioner is in custody since 30.11.2021, charge sheet has already been filed and other co-accused persons were granted bail which transpires from (Annexure-2).

Learned counsel for the State opposes the prayer for bail and submits that it is a case of substantial evidence, therefore, bail may not be granted.

Considering the facts and circumstances of this case that name of the petitioner along with other co-accused has figured in this case on the basis of suspicion and there is no direct evidence as well as other co-accused has been granted bail by the Co-ordinate Bench of this Court (Annexure-2). Petitioner is in custody since 30.11.2021 and charge sheet has already been filed, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur or successor court in connection with Kahalgaon (Shivnarayanpur) P.S. Case No.521 of 2018, subject to the condition as laid down under Section 437(3) of Cr.P.C..

The petitioner shall appear on each and every date

fixed by the trial court in this case, non-appearance for two consecutive dates shall be resulted into cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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