

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29730 of 2021**

Arising Out of PS. Case No.-126 Year-2017 Thana- IMAMGANJ District- Gaya

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SHAUKAT KHAN @ SAUKAT KHAN Son of Safique Khan Resident of
Village- Kaibar, P.S.- Imamganj, Dist- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 09-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 29.09.2019,
seeks regular bail in connection with Imamganj P.S. Case No.
126 of 2017, for the offence punishable under Sections 387,
307/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in brief, is that on
27.07.2017 at about 7.45 P.M., while informant was at his
medicine shop, in the meantime, three persons boarding on
motorcycle came there and fired aiming him, but the same hit
over the medicine rack and counter and later on empty cartridge
has been recovered by the Police. It is added that on 16.06.2017



he had given a written statement and stated therein that a person on his mobile demanded levy and threatened for dire consequences. The informant suspected due to non-fulfillment of demand of levy, he was attached at his shop.

Learned counsel appearing on behalf of the petitioner submits that since the petitioner has been made accused in several other cases due to which he has been roped in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. The only allegation, at best, can be levelled against the petitioner that processes under Sections 82 and 83 of the Cr.P.C. were issued by the trial court as would appear from case diary. The petitioner is in custody since 29.09.2019.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner is a history-sheeter and he was declared absconder as such the petitioner does not deserve bail.

Considering the above mentioned facts and circumstances of the case, the period of custody and no evidence has surfaced in course of investigation showing involvement of the petitioner in the alleged offence, prima facie, the petitioner has made out a case for grant of bail, the



petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Imamganj P.S. Case No. 126 of 2017, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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