

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27400 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- DUMARIYA District- Gaya

AKIB KHAN @ AQUIB KHAN Son of Late Samil Khan @ Salim Khan @
Shakil Khan, Resident of Village - Purkhanchak, P.S.- Dumaria, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Murad Ashraf, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 19-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dumaria P.S. Case No. 62 of 2021 lodged under Sections 147,
148, 149, 341, 323, 324, 307, 504, 506 and 120B of the Indian
Penal Code read with section 27 of the Arms Act.

As per prosecution, the *bhandara* was going on
15.10.2021 in which all community members including Hindu
and Muslims were taking meal, in the meantime the candidate
of Mukhiya Sabloo Khan along with 4 named accused persons
including the present petitioner reached there and attacked on
the informant by the pistol butt, in result the informant fell down

thereafter allegation is upon the petitioner against that on the instruction of Ahad Khan, Galib Nawab, Akib Khan and Shadab Khan, he has started indiscriminate firing by pistol by which the different persons came there and three persons were apprehended other than the present petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that there is allegation of indiscriminate firing upon the petitioner but no one was injured by the said firing. Learned counsel further submits that petitioner is in custody since 29.03.2022 and he has not been arrested rather he himself surrendered before the court. On the point of his criminal antecedent, learned counsel submits that there is one criminal case pending against him in which he is on bail. Learned counsel further submits that other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 31.03.2022 passed in Cr. Misc. No. 3412 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner's case is different from the case of co-accused who has been granted bail.

Upon specific query that whether charge has been framed or not, learned counsel submits that till date charge has

not been framed.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioner but liberty is hereby granted that he shall move before the court below after one month from the date of framing of charge and Trial Court is directed to release the petitioner on bail imposing its own conditions so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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