

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30954 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

1. Faisal Khan @ Afaridi Khan Son Of Faruque Khan Resident Of Village - Kunj, P.S.- Bhabua, Distt.- Kaimur At Bhabau.
2. Imran Khan @ Monu Son Of Faruque Khan Resident Of Village - Kunj, P.S.- Bhabua, Distt.- Kaimur At Bhabau.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners are permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioners seek bail in a case registered for the offences punishable under Sections 341/342/323/324 and 307 read with Section 34 of the Indian Penal Code and also sections 25(1-b)A /26/27 and 35 of the Arms Act.

According to prosecution case, in short, is that one Firoj Khan (Informant) laid a written report before the S.H.O. Bhabua police station on 10-5-2021 stating there in that on same



day his cousin Arshad Khan had gone to playing cricket alongwith Saddam Khan. Allegation is that on way all accused persons surrounded him. The accused were armed with Lathi, Danda sword. The petitioners No. 1 was armed with rifle. Allegation is that surrounding Arshad Khan all accused started assaulting him. On alarm, the informant and some villagers rushed to place of occurrence and were also resulted by accused. The petitioner no. 1 is allegedly fired but no body received any injury of fire arm. It is further alleged that by taking accused side some more persons came and started mar pit. Several villagers assembled on palce3 of occurrence and accused fled away. The informant said that a rifle was fallen on ground allegedly belonging to the Azaharuddin Khan and that was handed over to the police rest is eighth the F.I.R. A complete prosecution story is being appeared in the official complaint.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and there is specific allegation of firing against co-accused namely, Azaharuddin Khan. He further submits that there is no case



made out under the Arms Act against these petitioners and nothing has been recovered from the possession of the petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioners are in custody since 08.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhabua P.S. Case No. 233 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

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