

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47272 of 2021

Arising Out of PS. Case No.-93 Year-2019 Thana- GURUA District- Gaya

GAJANAFAR KHAN @ SONU KHAN S/O MATOLA KHAN @ MATO
KHAN R/o village- Gamharia, P.S.- Gurua, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Ms. Preety Kunwar, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Gurua P.S.
Case No. 93 of 2019 registered for the offences punishable
under Sections 147, 148, 149, 120B, 302, 504, 506 of the IPC
and Section 27 of the Arms Act.

The prosecution case, in short, is that on 23.05.2019 at
about 9:30 PM, the informant and his younger brother were at
their door. Meanwhile, petitioner along with other accused



persons came and started abusing them due to previous enmity. The informant further alleges that they started scuffling with his brother. One of the accused persons told to petitioner to shoot the informant's brother and after that petitioner fired on his brother who having sustained injury died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that due to land dispute, the present FIR has been instituted against the petitioner and other co-accused persons.

Vide order dated 15.12.2021 a report was called for with regard to the present stage of trial in the present case. Vide letter dated 04.01.2022 a report has been submitted in which it has been clearly mentioned that charge has been framed on 03.01.2022 under Sections 109/34, 302/34 and 27 of the Arms Act.

Learned counsel for the petitioner submits that it appears from the report that in near future trial is not going to be concluded. Petitioner is in custody since 30.05.2019.

The learned Additional Public Prosecutor opposed the prayer of bail.



Considering the aforesaid facts and circumstances as well as period of custody, 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 learned Sessions Judge, Gaya in connection with Gurua P.S. Case No. 93 of 2019, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. 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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