

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53846 of 2021**

Arising Out of PS. Case No.-115 Year-2018 Thana- AMAS District- Gaya

=====

Salam Khan @ Md Salam Khan S/O Hesham Khan R/O village- Sihuli, P.S.-
Amas, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr.Parmeshwar Mehta

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-01-2022 Let the defects, if any, be removed within four
weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Amas P. S Case No. 115 of 2018 for the
offences punishable under Section 447, 302/34 of the Indian
Penal Code.

As per allegation in the F.I.R, it is alleged that on
hearing the sound of firing the informant went and saw his
brother Md. Arif Khan lying dead and it is further alleged that
three persons including the petitioner having armed with rifle
were fleeing away.

Learned counsel for the petitioner submits that



petitioner is named in the F.I.R. Specific allegation of firing is not against the petitioner. There is land dispute between deceased and petitioner. It is further submits that earlier the petitioner has moved for grant of anticipatory bail where as Cr. Misc. No.26765 of 2020 vide order dated 07.07.2021 but due to miscommunication petitioner was arrested on 8.01.2019. Learned counsel for the petitioner submits that there is no eye witness of the said occurrence and no body has seen the firing to the deceased. He further submits that identically situated co-accused namely, Jeenat Khan has been granted privilege of bail by a co-ordiante Bench of this Court vide order dated 06.10.2018 in Cr. Misc. No. 56381 of 2018 and Nausher Khan vide order dated 05.10.2018 in Cr. Misc. No. 53386 of 2018 respectively. Petitioner is in custody since 08.01.2019.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner is having five cases, which manifests in Paragraph-3 of the petition.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Chief Judicial Magistrate (Sherghati) Gaya in connection with Amas P.S.Case No. 115 of 2018,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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner 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 petitioner 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 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)

N.K/-

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



