

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63433 of 2021

Arising Out of PS. Case No.-532 Year-2018 Thana- BODHGAYA District- Gaya

GAZNAFAR @ SAHEB @ GAJANFAR KHAN Son of Sajaruddin Khan
Resident of Village - Baraini Cherki, P.S.- Cherki (Bodh Gaya), District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-05-2022 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with

Bodh Gaya (Cherki) P.S. Case No. 532/2018 registered for

the offences punishable under Sections 302/34 of the Indian

Penal Code 1860 and Section 27 of the Arms Act.

The informant is brother of the deceased who has

lodged the First Information Report stating therein that the

deceased had gone for measurement of the land where he

was surrounded by FIR named accused persons namely,

Shahnawaz Khan, Firozuddin, Gajnafar @ Saheb along



with two unknown persons and they fired upon the informant's brother, due to which, he died.

Learned counsel for the petitioner submits that from perusal of the First Information Report it would be evident that there was previous land dispute between the parties. He further submits that specific allegation of firing on the chest of the deceased is against Shahnawaz Khan and there is general and omnibus allegation of firing against the petitioner and co-accused Firojuddin.

On the other hand, learned counsel for the informant submits that the trial is at the verge of conclusion inasmuch as out of six charge sheet witnesses, five witnesses have been examined. He further submits that the petitioner is main assailant, and as such, he does not deserve the privilege of bail.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that the trial is at the verge of conclusion, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner



stands rejected.

However, the petitioner may renew his prayer for bail after four months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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