

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70124 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- ARA RAIL P.S. District- Bhojpur

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BHUAR KHAN @ AARIF KHAN @ ARIF KHAN S/o- Muna Kha @

Munna Khan Resident of Village- Baghi, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 219 of 2021 arising out of Rail Ara P.S. Case No. 34
of 2021 registered for the offences punishable under Sections
393 and 304 of the Indian Penal Code and later charge sheet
came to be submitted under Sections 394, 302 and 34 of the
IPC.

The learned counsel for the petitioner submits that the
petitioner is in custody since 10.06.2021, charge-sheet has been



submitted in the case and has antecedent of one case and the informant alleges that his uncle along with his daughter and son were coming to village Kharauni by train for attending a marriage, further one accused tried to flee with his bag but he tried to apprehend the accused and in his attempt to catch the accused he fell down from the train and died.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR it would manifest that the uncle of the informant died while he was trying to apprehend the sole accused who had committed the occurrence and was fleeing with his bag while he was travelling on train, it is submitted that the FIR was against unknown and the petitioner during the course of investigation came to be implicated based on suspicion as during the course of investigation it came that Matlu Khan and the petitioner were seen fleeing away from the stairs of the railway station and thus it was presumed that the accused persons might have committed the occurrence in which the deceased died, the learned counsel submits that even presuming what has come in the investigation to be true then also the allegation is that only one accused committed the occurrence but in the case two persons have been implicated. Learned counsel fairly submits that the trial has



commenced and out of 14 witnesses, two witnesses have been examined who have turned hostile. It is thus submitted that since during the course of investigation the name of the petitioner transpired in the manner as aforesaid, the petitioner deserves to be enlarged on bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.06.2021, charge-sheet has been submitted in the case and in the nature of allegation as alleged in the FIR and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sessions Trial No. 219 of 2021 arising out of Rail Ara P.S. Case No. 34 of 2021, with a condition that one of the bailor of the petitioner shall be his father Muna Kha @ Munna Khan.

Further, if the learned court below comes to a conclusion that after the petitioner being released from custody is trying to delay the trial, then in that event the learned court



below shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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