

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71456 of 2021**

Arising Out of PS. Case No.-455 Year-2020 Thana- BARACHATTI District- Gaya

PAHALWAN KHAN @ RIZWAN KHAN @ MD. PAHALWAN KHAN Son
of Late Md. Enam Khan @ Anam Khan Resident of Village - Karimganj
Bhadeya, P.S. - Barachatti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 10-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Barachatti P.S. Case No. 455 of 2020 registered under Sections
302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.03.2021, is a person with clean
antecedent, charge-sheet has been submitted in the case and the
informant alleges that her son Md. Fardin Khan (deceased) left
the house at 07:00 PM saying he is going to the house of Sayad
Khan, when he did not come back, call was made on his mobile
but it was switched off, thereafter the informant slept, it is next
alleged that when her elder son came and asked about the



deceased, the informant said that he might have slept in the farm of Shamsheer Khan, thereafter in the morning the brother of the informant disclosed that the deceased has been killed, on which the informant reached the place of occurrence and saw that her son was brutally killed by slitting his neck and was stabbed in stomach, thus alleges on the basis of suspicion that earlier the petitioner had assaulted the deceased by scissor in his stomach and had even threatened to kill him. It is next alleged that informant had altercation with wife of Munna Khan about six months back on which the named accused persons excluding the petitioner had assaulted and threatened the deceased to kill him, thus, alleges that the accused persons killed her son under conspiracy.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from bare perusal of the allegation as alleged it would manifest that the entire allegation hinges around suspicion. The informant is not an eye witness to the occurrence rather names eight persons as accused merely on the basis of suspicion, it is also submitted that though in the F.I.R. it is alleged that earlier the petitioner had assaulted the deceased with scissor in his stomach but no F.I.R. with respect to the said occurrence was instituted.



It is also submitted that the date of occurrence is 28.07.2020 and the F.I.R. was instituted after a delay of two days i.e. on 30.07.2020. It is submitted that the delay in instituting the F.I.R was only for the reason to implicate the innocent persons by way of after thought and that too based on suspicion.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 20.03.2021, is a person with clean antecedent and charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten 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 Barachatti P.S. Case No. 455 of 2020.

(Satyavrat Verma, J)

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