

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10803 of 2023**

Arising Out of PS. Case No.-141 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

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MOON KHAN @ DAKUA SON OF MUSO KHAN @ MD. MUSTAQUE  
KHAN R/O MOHALLA- BHIKAMPUR TANK LANE, P.S.- ISHAKCHAK,  
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar  
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      28-06-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for regular bail in a case  
instituted for the offence under Sections 328, 307, 120B, 326/34  
of the Indian Penal Code, Section 27 of the Arms Act and later  
on added Section 302 of the IPC.

As per prosecution case, the informant's elder son  
marriage ceremony was held at Hatia Chowk Marriage Hall and  
in the same Marriage Hall, there is another marriage ceremony  
was fixed and Barat had already reached there. In the meantime,  
the petitioner along with others came there and started bullet



firing and fled away due to which Md. Meraj got injured and they have taken to the hospital. It is further alleged that during treatment he died.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. According to the informant's statement, which was recorded by I.O. in vide para-8, in which he stated five persons shot fired upon the deceased due to which, he died but from the perusal of the Postmortem report, only one gun-shot injury was found on the upper part of the abdomen, which does not corroborates the prosecution case. There is no specific overt act against the petitioner. He is languishing in judicial custody since 30.07.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup>



Class Judicial Magistrate, Bhagalpur in connection with  
Ishakchak P.S. Case No. 141 of 2022.

**(Sunil Kumar Panwar, J)**

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