

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17182 of 2023

Arising Out of PS. Case No.-330 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

Diwan Rakibuddin Khan @ Rakibu Khan @ Rakibuddin Khan Son Of Diwan
Hesamuddin Khan @ Hesamuddin Khan Residnet Of Village-Naughara Ps-
Chainpur District-Kaimur , Bhabua

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341,
323, 307, 504, 506 of the Indian Penal Code and
Section 25(1-b)a, 26, 35, 27 of the Arms Act.

The prosecution case in nutshell is that
petitioner along with other co-accused persons are
standing with fire arms in front of house of one Ramjee.
On seeing the informant and and brother, namely, Talib



Khan accused persons started abusing and on the instigation of co-accused Achchhe Khan, co-accused Fakruddin Khan opened fire which hit the brother of informant. When the informant tried to rescue his brother, co-accused Achchhe Khan fired on the informant but he narrowly escaped. The allegation against the petitioner is that he was present at the place of occurrence and have possessed a rifle.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. There is no specific allegation against the petitioner rather the specific allegation of shot fire is levelled against co-accused Fakaruddin Khan. Both parties are agnates and there is case and counter case between them. There is land dispute between the. Moreover, the petitioner has suo-motto surrendered before the Court on 24.11.2022 and since then he is languishing in judicial custody.

Learned APP appearing for the State has



vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chainpur P.S. Case No. 330 of 2022 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 A.C.J.M. IV, Kaimur, Bhabua.

(Sunil Kumar Panwar, J)

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