

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17425 of 2023

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

1. Banne Khan @ Diwan Banne Khan S/O Late Alim Khan @ Diwan Alimuddin Khan R/O Village- Naughara, P.O And P.S- Chainpur, Distt.- Kaimur.
2. Irfan Khan @ Md Irfan Khan S/O Late Shamshad Khan R/O Village Jaburna Ps Dildarnagar, Distt.- Ghazipur (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20069 of 2023

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

Rahmatullah Khan @ Buddhu Khan S/O- Late Amanullah Khan Village- Padhi Ps- Chand Dist- Kaimur Bhabua

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17425 of 2023)

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

(In CRIMINAL MISCELLANEOUS No. 20069 of 2023)

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have 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, 37 of the Arms Act.

The prosecution case in nutshell is that petitioners along with other co-accused persons are standing with fire arms in front of house of one Ramjee. On seeing the informant 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 petitioners is that they were present at the place of occurrence.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and they have falsely been implicated in the present case. There is no specific allegation against the petitioners 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. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 29.4.2023 passed in Cr. Misc. No. 17182 of 2023. Petitioners are



languishing in judicial custody for more than four months.

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 petitioners on bail. The above named petitioners is directed to be enlarged on bail in connection with Chand P.S. Case No. 330 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each 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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