

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17952 of 2023**

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

JAHADAR KHAN @ JAHANDAR KHAN Son of Chhedi Khan Resident of
Village - Sikandarpur, P.S.- Chainpur, District - Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 25-05-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Chand P.S. Case No 330 of 2022 for the offence under Sections 147, 148, 149, 341, 323, 307, 504 and 34 of the I.P.C. and Sections 25(1-b)a, 26, 35 and 27 of Arms Act lodged on 21.11.2022 by the informant Taiyab Khan.

The prosecution story, in brief, is that the informant along with his brother was on way when the petitioner armed with Rifle in association of co-accused persons variously armed



intercepted the informant and started hurling abuses to which the informant and his brother protested. Thereafter, co-accused Fakruddin shot at the brother of the informant causing injury to him. Co-accused Fakruddin again opened fire at the informant which did not hit him but on alarm, the villagers rushed and chased the accused persons and succeeded to apprehend one co-accused Banne Khan from whose possession one rifle and one double barrel gun were snatched by the villagers and subsequently produced before the police. Accordingly, the F.I.R.

It has been submitted that specific allegation is against Fakaruddin and one Achche Khan. So far as this petitioner is concerned, the only allegation was that he was also there with them.

Learned APP opposes the prayer.

Considering the aforesaid facts that the specific allegation has come against Fakaruddin and one Achche Khan he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M., IV, Kaimur at Bhabhua, in connection with Chand P.S. Case No 330 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.



With the aforesaid observations, the anticipatory bail
application is allowed.

(Rajiv Roy, J)

Ravi/kiran/-

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