

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30365 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MANIHARI District- Katihar

1. Md. Akhtar Khan @ Akhtar Khan S/o late Hanif khan Resident of Village-Mednipur, P.s. Manihari, Distt- Katihar.
2. Babul Khan S/o Late Suleman Khan R/o Mednipur, P.S.- Manihari, Distt-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35802 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- MANIHARI District- Katihar

Afjal Son Of Md. Kalimuddin R/O- Baldiyabari, P.S.- Manihari, District-Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 30365 of 2022)

For the Petitioner/s : Mr. N.A. Shamsi

For the Opposite Party/s : Mr. Bharat Lal

(In CRIMINAL MISCELLANEOUS No. 35802 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 24-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with

Manihari P.S. Case No. 245 of 2021, registered for the

offences punishable under Sections 147, 148, 149, 447,



324, 307, 302, 504, 120(B) and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is that on 08.12.2021 when informant was at his field along with his cousin and nephew, the accused persons including this petitioner came there and thereafter accused-petitioner, namely, Madan Yadav fired upon informant's brother, namely, Sanjay Yadav, who died on spot due to gun shot injury.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. They further submit that as per FIR no injury has been caused by this petitioners to anyone though there is allegation of firing by him at one Bablu Yadav. They also submit that there is no allegation of any overt act against the petitioners. They also submit that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners, namely, Md. Akhtar Khan, Babul Khan and Afjal have been



languishing in jail since 31.03.2022, 31.03.2022 and 24.12.2021 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, namely, Md. Akhtar Khan, Babul Khan and Afjal have earlier been made accused in two, two and one other cases respectively.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State and Ld. Counsel for the Informant vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Concerned Trial Court in connection with Manihari P.S. Case No. 245 of 2021 on the following conditions:

(i) The petitioners will make themselves available



for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the



petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

