

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63751 of 2022**

Arising Out of PS. Case No.-471 Year-2022 Thana- SIRDALA District- Nawada

Nepali Khan @ Alim Khan Son of Ishak Khan @ Isakk Khan Resident of  
village- Bisitait Tola, Dhobani, P.S- Meskaur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      28-02-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 147, 148, 149, 307, 354(B)  
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the accused  
persons including the petitioner abused the informant and they  
fired upon the informant's son with an intention to kill due to  
which he sustained firearm injury on his head and got injured.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that from  
bare perusal of the F.I.R. it transpires that there is specific  
allegation of firing against Maqsood Khan and the allegation



against the co-accused namely Mustaque Khan that he has assaulted the son of the informant. He further submits that there is general and omnibus allegation against the petitioner and there is no specific allegation of any assault or overt act against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 12.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sirdalla P.S. Case No. 471 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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