

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61710 of 2023

Arising Out of PS. Case No.-154 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

AMZAD KHAN Son of Nasrullah Khan R/o vill - Dumari, P.S. - Durgawati,
Distt. - Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Choudhary

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-12-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
instituted for the offence under Sections 302/34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of
the Arms Act.

As per allegation in the FIR, accused Sohil Khan,
Aflaque Khan, Gufran Khan in connivance with the
petitioner opened fire upon the brother of the informant on
his head and thereafter dragged his dead body on the bed
and thereafter fled away after throwing the pistol under the
cooler.

It is submitted by learned counsel for the



petitioner that petitioner has been falsely implicated in this case. Informant is not the eye witness of the alleged occurrence. Only on the basis of suspicion and last seen, the name of the petitioner has been dragged in the present case. There is no substantial or circumstantial evidence against the petitioner. Petitioner was only the member of mob. During investigation, no consistent material has come against the petitioner to show his involvement in the present case save and except his last seen. Petitioner has got no criminal antecedent and languishing in judicial custody since 20.07.2023.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that petitioner is named in the FIR. Petitioner and other accused persons were lastly seen going towards the place of occurrence.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)



with two sureties of the like amount each to the satisfaction
of the learned SDJM, Kaimur at Bhabhua in connection
with Durgawati P.S. Case No. 154 of 2023.

(Sunil Kumar Panwar, J)

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