

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31026 of 2024

Arising Out of PS. Case No.-98 Year-2017 Thana- KHAJEKALA District- Patna

Banti Khan @ Sarwar Hussain @ Danish, aged about 23 years, Male Son of Late Gulam Hasnain @ Hasnain Khan, Resident of Mohalla- Nun Ka Chauraha, Kanghaiya Tola, Patna City, P.S- Khajekala, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP I/C

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Khajekalan P.S. Case No. 98 of 2017 instituted for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, 15-20 miscreants were assaulting the person with bricks and stones.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of local village politics and enmity. The allegations against the petitioner is that he along with other co-accused persons have first shot the deceased namely Ravi Kumar and thereafter brutally hit him



with bricks and stones and thereafter they manage to escape. It is submitted that there is no specific allegation against the petitioner nor any specific overt act against the petitioner. There is no eye witnesses to the alleged occurrence. The petitioner has been made accused in the present case merely on the basis of statement of local people. There is no any cogent evidence against the petitioner to show complicity of the petitioner in the present case. Petitioner is in custody since 23.10.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned 1st Additional District and Sessions Judge, Patna City, Patna dated 01.03.2024, it appears that there is no specific allegation against the petitioner. Similarly situated co-accused persons namely Md. Shamshad @ Sonu @ Baigan, Tanvir Alam, Md. Aarif have been granted bail by this Court in Cr. Misc. Nos. 7517 of 2018, 4289 of 2018 and 58459 of 2017 vide order dated 14.03.2018, 01.02.2018 and 14.12.2017 respectively, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Patna City, Patna in



connection with Khajekalan P.S. Case No. 98 of 2017.

(Ramesh Chand Malviya, J)

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