

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32260 of 2024

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

Diwan Fakaruddin Khan @ Fakaruddin Khan Son of Late Tahir Khan
Resident of Village - Hasreon, Police Station - Chand, District - Kaimur
(Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-07-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. Allegation against the petitioner is that he opened fire upon the informant's brother due to which he sustained gun shot injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He



has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner from para-7 of his petition that the petitioner was arrested by the police and he preferred an application for grant of bail which was allowed by learned A.C.J.M.-IV vide order dated 03.12.2022. As per injury report which has been annexed in the case diary, from perusal of that, the nature of injury sustained by the injured is simple. It is also submitted from para-20 that the petitioner is a very old and sick person aged about 83 years. The petitioner has earlier spent in jail from 23.11.2022 to 03.12.2022 and presently he voluntarily surrendered before the Court below and languishing in judicial custody since 19.02.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that petitioner shot fire upon the informant's brother.

6. Having heard learned counsel for the parties and considering the facts that petitioner is an old man of 83 years and his period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chand P.S. Case No. 330 of 2022 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the
satisfaction of learned A.C.J.M.-IV, Kaimur at Bhabua.

(Sunil Kumar Panwar, J)

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