

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82238 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Amrit Thakur @ Amrit Kumar Thakur S/O Sanjay Thakur R/O Village Badki Sarimpur, P.S Buxar Industrial, District Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 82510 of 2024

Arising Out of PS. Case No.-156 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

Tousif Khan @ Raja Khan S/o Riyaz Khan R/o vill - Sarimpur, P.S. - Buxar (Ind), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 82238 of 2024)

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 82510 of 2024)

For the Petitioner/s : Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-12-2024 Heard the parties in both the cases.

2. The petitioners are in custody in connection with Buxar (Industrial Area) P.S. Case No. 156 of 2024 for the offence punishable under Sections 103 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 read with Section 27 of the Arms Act lodged on 11.07.2024 by the informant, Khalik Sah.

3. As per the prosecution story, the informant alleged that earlier his son Majahar Sah had a quarrel with Mumtaz

Khan and Tarif Khan near Gandhi Setu and was threatened of dyer consequences. On the fateful day, they came and opened fire causing serious injury to his son, as he was to be taken to PMCH, Patna, he died in Sadar Hospital, Buxar itself. This led to the F.I.R.

4. Learned counsel for the petitioners in both the cases submits that a perusal of the F.I.R. would show that specific allegation is against Mumtaz Khan and Tarif Khan of having ultimately killed the son of the informant. The allegation against the two petitioners is/are that in the Tousif Khan case, he had provided the arms, whereas in Amrit Thakur case, after the occurrence, he had hidden the arms. While Tousif Khan is in custody since 11.07.2024 and Amrit Thakur is in custody since 13.09.2024.

5. Learned APP opposes the prayer for bail submitting that though main allegation is not against them, they are the abettor.

6. Taking into account the aforesaid submission as also that the informant has made direct allegation against two accused, namely, Mumtaz Khan and Tarif Khan, these petitioners at best have procured arm/hidden the same, are in custody since 13.09.2024 and 11.07.2024, undertaking has been

given that they shall be diligently appearing in the trial, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Buxar, in connection with Buxar (Industrial Area) P.S. Case No. 156 of 2024 subject to the following conditions:

(i) one of the bailors should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J.)

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