

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6310 of 2025

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

Mumtaz Khan, S/o Musa Khan @ Muslim Khan, R/o village - Barkisarimpur,
P.S. - Buxar (Ind), Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 299/2024, arising out of Buxar (Industrial) P.S. Case No. 156 of 2024 for the offences punishable under Sections 103/3 (5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner had threatened the son of the informant that he would shoot him dead. Subsequently, the son of the informant was shot at by co-accused Tarif Khan, who shot him in his head. During treatment, the son of the informant died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. There is no specific allegation against the petitioner and the allegation of firing is specific against co-accused Tarif Khan. So, except for suspicion, there is no material against the petitioner to connect him with the offence as alleged. Nothing incriminating has been recovered from the person/possession of this petitioner. The learned counsel further submits that the petitioner is in custody since 12.07.2024 and charge sheet has been submitted. The petitioner is having antecedent of one case and he is on bail in that case.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the lack of material to connect the petitioner with the offence as alleged and further considering the fact that the allegation is specific against co-accused, who fired upon the deceased and also considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions



Judge-XII, Buxar, in connection with Sessions Trial No. 299/2024, arising out of Buxar (Industrial) P.S. Case No. 156 of 2024, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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