

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5271 of 2025

Arising Out of PS. Case No.-809 Year-2024 Thana- WAJIRGANJ District- Gaya

Iqbal Khan @ Aqubal Khan S/O Late Jabbar Khan R/O Village - Jamuawan,
Ward No.-7, P.S- Wazirganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 809 of 2024 instituted for the offences
under Sections 126, 115(2), 118, 109, 352, 351(2), 3(5) of the
B.N.S., 2023.

3. As per prosecution case, the accusation against the
petitioner is of assaulting the Informant on his head by means of
iron *Sabal*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to admitted land dispute. Both the parties are next door
neighbour and own *Pattidar* and there is an admitted land
dispute between them. He further submits that the injury report



does not corroborate the allegations made in the F.I.R. as it is alleged that the petitioner has assaulted the Informant by means of iron rod, a hard and blunt object but, from perusal of the injury report, it appears that there is three cut mark on the frontal region of the head caused by sharp cut weapon. There is no intention of the petitioner to kill the Informant and, hence, Section 109 of the B.N.S. is not attracted in this case. In course of investigation, not a single independent witness has come forward to support the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 28.10.2024 without any rhymes or reason. Learned counsel for the petitioner further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner under Sections 126, 115(2), 352, 351(2), 3(5) of the B.N.S., 2023 and all the Sections are bailable.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner but, submits that the charge-sheet has been submitted against the petitioner under Sections 126, 115(2), 352, 351(2), 3(5) of the B.N.S., 2023 and all the Sections are bailable. He further submits that at the time of passing of the impugned order, the investigation was pending and the same was submitted after



completion of the investigation on 15.01.2025.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also taking into account the charge-sheet submitted against the petitioner for the offences which are bailable in nature, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Wazirganj P.S. Case No. 809 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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