

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86778 of 2024**

Arising Out of PS. Case No.-267 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

Zaid Zama Khan @ Gabbar Khan S/o- Shahjad Jama Khan @ Shahjad Khan
Village-Sikandarpur PS-Chainpur Distrsict- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14428 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

Jisan Jama Khan @ Pale Khan S/o Shalid Khan R/o Village- Sikandarpur, PS-
Chainpur, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 86778 of 2024)

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Shailendra Kumar Singh

For the O.P. No. 2 : Mr. RajniKant Pandey

(In CRIMINAL MISCELLANEOUS No. 14428 of 2025)

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Pushpa Sinha.1

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 31-10-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Chainpur P.S. Case No. 267/2024 dated



20.07.2024 registered for the offence punishable u/ss 127(1), 115(2), 117(2), 109, 103(1), 352 read with Section 3(5) of the B.N.S. and Sections 27, 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons came holding weapons and started firing indiscriminately. In the meantime, the co-accused persons, Mohsin Khan and Khalif Khan fired on the informant's nephew, due to which he died. Thereafter, Jama Khan @ Gabbar and Faiz Khan fired on Musa Kohar. When Mehrab Sah tried to escape, then the accused persons assaulted Mehrab Sah with butt of pistol and iron rod, causing injury on his head and hand. Thereafter, the co-accused Sardar Khan said that work has been completed. Then, the co-accused persons Acchu Khan, Belal and Perwez Khan fired from their pistols and told that all the persons who were to be killed are dead, thereafter, they fled away.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The specific allegation of firing is against the co-accused persons, Mohsin Khan and Khalif Khan. The other co-accused person has already been granted bail by this court vide order dated 19.02.2025 passed in Cr. Misc. No.



88297/2024. Learned counsel has submitted that the allegation against the petitioner Jama Khan @ Gabbar is of firing on the Musa Kohar but neither the statement nor the injury of Musa Kohar is mentioned. The petitioner Zaid Zama Khan @ Gabbar Khan has one criminal antecedent whereas the petitioner Jisan Jama Khan @ Pale Khan has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer of anticipatory bail of the petitioners. Learned counsel for the informant has submitted that anticipatory bail of the co-accused persons has been rejected by the Supreme Court of India in Special Leave Petition (Criminal) Diary No(s). 8475/2025.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Kaimur (Bhabua) in connection with Chainpur P.S. Case No. 267/2024, subject to conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:-



(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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