

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27200 of 2025

Arising Out of PS. Case No.-193 Year-2024 Thana- GWALPARA District- Madhepura

1. Masid Khan S/o Hasim Khan, Resident of village- Jotmanohar, ward no.14, P.S.- Gwalpara, District- Madhepura
2. Guddu Khan S/o Hasim Khan, R/o vill - Jotmanohar, ward no. 14, P.S.- Gwalpara, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Gwalpara P.S. Case No. 193 of 2024 dated 20.09.2024, instituted for the offence punishable under Sections 103(1), 61, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 Arms Act.

3. The prosecution case, in short, is that on 18.09.2024, the informant's husband, Md. Farooque went to visit his paddy field and orchard while she was also out for a morning walk. As he reached the field, co-accused Meer Azad, Feku Khan, Samim Alak @ Fulo Khan and Salauddin armed with country made pistols, opened fire on him. It is alleged that bullets fired by Meer Azad and Samim Alam @ Fulo Khan hit his rib cage and upper body



while bullets fired by Fenku Khan and Salauddin Khan missed him. As a result, he succumbed to his injuries and died on the spot. As per the written report, the FIR named accused persons including the petitioners conspired to murder the informant's husband, Md. Farooque.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Learned counsel for the petitioners submits that F.I.R. has been lodged against 23 named accused persons including the petitioners. There is specific allegation against four named accused persons, namely, Meer Azad, Fenku Khan, Samim Alam @ Fulo Khan and Salauddin Khan. Specific allegation of gun shot is against Meer Azad and Samim Alam @ Fulo Khan due to which the husband of the informant received bullet injury. There is no specific allegation against the petitioners rather the allegation against the petitioner is general and omnibus. Learned counsel for the petitioners further submits that similarly situated co-accused, namely, Meer Akhtar, Jarina Khatoon, Md Babul Khan @ Babul Khan, Sultan Khan have been granted anticipatory bail *vide* order dated 02.04.2025 passed by this Court in Criminal Miscellaneous Nos. 12655 of 2025, 13674 of 2025 and 15489 of 2025 respectively. It is also submitted that Shagufta Praveen and Mister Khan @ Md. Minsar @ Minister Khan have been granted regular



bail *vide* order dated 19.04.2025 passed by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 6623 of 2025 and 14550 of 2025 respectively. Lastly, it has been submitted that the petitioner no. 1 has two criminal cases against him and petitioner no. 2 has one criminal case against him. Petitioners are in custody since 19.12.2024. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J. M. 1st Class, Udakishunganj, Madhepura in connection with Gwalpara P.S. Case No. 193 of 2024.

(Khatim Reza, J)

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