

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33202 of 2025

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

Feku Kha @ Feku Khan Son of Late Hasim Khan Resident of Village-
Jotmanohar (Jhanjhari), Ward No.- 14, P.S.- Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Prasad Singh, Sr. Advocate Mr.Rupesh Kumar, Advocate
For the State	:	Md. Shakir Ahmad, A.P.P.
For the informant	:	Mr. Nafisuzzoha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-08-2025 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

2. In the present case, the petitioner seeks bail in
connection with Gwalpara P.S. Case No. 193 of 2024, registered
for the offences under Sections 103(1), 61, 3(50 of the BNS and
Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and three
other co-accused persons fired upon the husband of the
informant with country made *katta* and he died on spot. The
informant further named 18 persons for being involved in the
conspiracy of murder of her husband.

4. Learned senior counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that only allegation against the petitioner is that of opening fire but the shot did not hit the husband of the informant. There is specific allegation against Mir Azad and Samim Alam who shot dead the husband of the informant. Learned senior counsel further submits that the FIR has been registered after inquest and post mortem report taking benefit of subsequent knowledge and it shows the informant is not an eye witness and even the witnesses who have been examined subsequently are all relatives of the deceased. Even these witnesses stated that main assailant was Mir Azad. Learned senior counsel submits that the whole case has been made out by the informant who has narrated a false and concocted story and even the story of conspiracy and having prior knowledge is completely baseless. The FIR is result of deliberation and afterthought and there is no spontaneity in registration of the FIR and it creates doubt over the prosecution case. The petitioner is having antecedent of 5 cases and in two cases the petitioner has been acquitted and in other cases he is on bail. Learned senior counsel also submits that the rejection order mentions 9 antecedent of the petitioner but the same is an error of record. Learned senior counsel



further submits that the petitioner is in custody since 07.12.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State and learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that petitioner has been named by the informant for opening fire on her husband who subsequently died after being shot.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the late registration of FIR and doubtful nature of allegation against the petitioner and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned JMFC, Udakishunganj, Madhepura/concerned court, in connection with Gwalpara P.S. Case No. 193 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other 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, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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