

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58911 of 2024

Arising Out of PS. Case No.-633 Year-2019 Thana- DIGHA District- Patna

=====

Banti Khan @ Sarwar Hussain @ Danish Son of Late Gulam Hasnain @
Hasnain Khan R/O Mohalla- Nun Ka Chauraha, Kanghaiya Tola, Patna City,
P.S.- Khajekala, Dist.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. B.N. Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 23-01-2025 Heard learned counsel for the petitioner and Mr. B.N.
Pandey, learned APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 302, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The case of the prosecution is that the petitioner
along with three others committed murder by shooting the husband
of the informant. The cause of the occurrence is that five years ago
the petitioner has executed an agreement of sale of half kattha of
land besides the house of the informant. In that agreement some
amount was handed over. It has further been stated in the
fardbeyan that 15 days ago when there was no one in the house,
the petitioner arrived and broke the lock of the informant's house



and started residing therein forcefully. When the informant objected she was threatened of dire consequences. On 05.11.2019 all the accused persons called the husband of the informant and when he went to Digha he was killed by shooting.

4. Learned counsel appearing on behalf of the petitioner has submitted that from perusal of the FIR itself it is clear that the informant is not the eye-witness. From perusal of the diary it also transpires that the statement of witnesses is nothing but repetition of the FIR. The police has tried to collect the CCTV footage but from perusal of para-143 of the diary it transpires that the CCTV footage cannot be collected. From perusal of the post mortem report it is clear that there are two entry wounds in the body of the deceased. There is no exit wound only one bullet was found in the body of the deceased. The petitioner is in custody since 25.11.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of



Additional Sessions Judge-XXIV, Patna in connection with Sessions Trial No.418 of 2024, arising out of Digha P.S. Case No. 633 of 2019.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

durgesh/-

U		T	
---	--	---	--

