

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70266 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- AMAS District- Gaya

Mokhtar Khan @ Mukhtar Khan S/O Late Mojib Khan @ Late Mujib Khan
Resident of Vilage-Hamjapur, P.S. Amas, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 23-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Amas
P.S. Case No. 153 of 2024 instituted for the offence under
Sections 307, 326 & 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, brother of the informant
sustained fire arm injury by one '*Shahid Khan*' and at the
instance of the petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-06-2024. Petitioner
bears no criminal antecedent, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no specific allegation against the petitioner. Specific allegation of firing is against Shahid Khan. There is no eye witness to the occurrence. As per the FIR, allegation against the petitioner is only of conspiracy. It is next submitted that cognizance of offence has been taken against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner by contending at the instance of the petitioner, co-accused, namely, *Shahid Khan* fired upon the brother of the informant. It is next submitted that one fired shell has also been recovered from the place of occurrence.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner and cognizance being taken, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Amas P.S. Case No. 153 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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