

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76729 of 2024

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

Achhu Khan @ Atik Jama Khan S/O Late Ajju Jama Khan Resident of
Village - Sikandarpur, Police Station - Chainpur, District - Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Sunil, Adv.
For the State : Mr. Shyameshwar Dayal, APP
For the Informant : Mr. Rajani Kant Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-01-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 127(1), 115(2), 117(2), 109, 103(1), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 27 of the Arms Act later on Section 25(1-b)a, 26, 35 of the Arms Act was added.

3. As per the prosecution case, the petitioner along with other co-accused persons is said to have opened indiscriminate firing due to which nephew of the informant fell down and on the way to hospital he died and two persons had sustained injury in the said occurrence.

4. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that there is specific



allegation against co-accused, namely, Mohsin Khan and Khalik Khan, who is said to have fired upon the nephew of the informant due to which he fell down and on the way to Hospital he died. The petitioner has no criminal antecedent and has been languishing in custody since 21.07.2024.

5. Learned APP for the State as well as learned counsel for the informant opposed the bail petition.

6. Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Chainpur P.S. Case No.267 of 2024, subject to the further condition that petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned Trial Court.

(Anjani Kumar Sharan, J)

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