

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90288 of 2024

Arising Out of PS. Case No.-422 Year-2024 Thana- WAJIRGANJ District- Gaya

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Esteyak Khan @ Estak Khan S/o Emaman Khan Resident of Tepo, P.S.-
Wazirganj, District- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saurav Barial, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

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

ORAL ORDER

3 27-03-2025 Heard Mr. Saurav Barial, learned counsel for the

petitioner and Ms. Renu Kumari, learned APP for the State.

Perused the case diary.

2. The petitioner seeks bail in connection with

Wazirganj P.S. Case No. 422 of 2024 instituted for the offence

under Sections 302 & 34 of the Indian Penal Code and Section

27 of the Arms Act.

3. Prosecution case in short is that on 26-06-2024,

informant's brother Raish Khan was shot dead near Pawai

bridge while returning home from a wedding. It is alleged that

the attack was carried out by Shahbaz Khan, Shahnawaz Khan,

and Mohammad Khan. The informant also mentions a previous

attack on him by the accused, for which a case was already



registered.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-06-2024. 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. Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation. There is no specific allegation against the petitioner. Learned counsel submits that the petitioner, an eyewitness to the crime, was falsely implicated by the Investigation Officer to justify the arrest, as the real accused had fled and his mobile phone, found near the crime scene, which contradicts the confessional statement attributed to him, which has no evidentiary value in the eye of law. Learned counsel submits that case revolves around a long-standing family and property dispute between the deceased and his first wife, Sanjida Khatun, and their two sons, who are named accused. The deceased's second marriage further fueled tensions, leading to a motive for his killing. Learned counsel goes on to submit that inconsistencies in witness statements and the inquest report raise doubts about the



petitioner’s involvement. Charge sheet is submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Other witnesses have supported the prosecution case.

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 charge sheet being submitted, 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 Wazirganj P.S. Case No. 422 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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