
(2022) 10 JH CK 0003
In the Jharkhand High Court
Case No : Bail Application No. 7429 Of 2020

Azhar Khan And Others

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-10-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 120B, 302

Citation : (2022) 10 JH CK 0003

Hon'ble Judges : Subhash Chand, J

Bench : Single Bench

Advocate : Shailesh, Praful Jojo

Final Decision : Allowed

Judgement

Subhash Chand, J

Heard learned counsel for the applicants and the learned A.P.P. for the State.

This bail application has been filed on behalf of the applicants—(1) Azhar Khan & (2) Sabir @ Sabir Alam @ Md. Sabir with prayer to release on bail in connection with Bankmore P.S. Case No. 307 of 2021, registered under Sections 302/120B/34 of the Indian Penal Code and 27 of the Arms Act, pending in the court of the C.J.M., Dhanbad.

Learned counsel for the applicants has submitted that the F.I.R. of this case was lodged against 12 named accused and unknown persons with these allegations that the informant received information from his sister that his brother had been shot dead. Accordingly, he reached to the place of occurrence and found the dead body of his brother Md. Mahatab Alam @ Nanhe. It is further alleged that one Eqbal Khan had told him that Nanhe was going towards Naya Bazar from Ara More. In the meantime, Anwar, Dikky, Bhoma Raja, Hira Driver and Haider armed with pistol had shot to Nanhe and all the accused persons have changed their cloths at the house of Shami and thereafter fled away. This murder was committed by all the accused persons in conspiracy of Gopi Khan @ Jiyaaur

Rahaman, Godwin Khan @ Shaukat Ali, Banti Khan @ Jiyaul Haque and Prince Khan @ Haider Ali on the issue of land dispute. It is further alleged that this occurrence was also seen by the witness-Jisan Ahmad, Amish Khan, Sanu Khan.

Learned Counsel for the applicants has submitted that their names do not figure in the F.I.R. rather their names transpired in confessional statement of co-accused. There is no other evidence against the applicants to show their complicity in commission of the murder of the brother of the informant and the applicants have been languishing in Jail since 02.06.2022 and the similarly situated co-accused Nasrin Khatoon has been granted bail in B.A.No. 1273 of 2022 vide order dated 31.03.2022 and Md. Rizwan @ Rizu has been granted bail in B.A.No. 8578 of 2022 vide order dated 28.09.2022 by this Court

Learned A.P.P. appearing on behalf of the State vehemently opposed the contentions made by the learned counsel for the applicants.

In view of the submissions made and materials on record, the bail application of the applicants is hereby allowed. Let the applicants be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the court concerned in aforesaid case.