

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79183 of 2019

Arising Out of PS. Case No.-377 Year-2017 Thana- CIVIL LINE District- Gaya

Shahansha @ Sanna Khan, aged about 50 years, Male, S/o Md. Vasil Khan @
Late Wasil Khan, R/o village- Karmauni, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mrs. Sony Srivastava, Advocate
For the State : Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 01-06-2020 Heard Mrs. Sony Srivastava, the learned counsel
appearing on behalf of the petitioner and Mr. B.N. Pandey, the
learned Additional P.P. for the State through video conferencing.

The petitioner seeks bail in ATS P.S. Case No.01 of
2017, arising out of Civil Line P.S. Case No.377 of 2017,
corresponding to Sessions Trial No.04 of 2019, registered under
Sections 216/120(B)/124(A)/34/419/420/467/468/471 and 472 of
the Indian Penal Code and under Sections 13/16/18/19/30 and 38
of the Unlawful Activities (Prevention) Act.

Mrs. Sony Srivastava, the learned counsel for the
petitioner submits that the petitioner was apprehended along with
one Pathan Tausif Khan who is said to be an accused in
Ahmedabad serial blast case but it has come that the petitioner
knew the fact when Pathan Tausif Khan starts residing in his



village and started teaching the students but there is no tangible material to show that the petitioner was involved in any subvertive or terrorist activities or the petitioner was involved in any activities raising war against India. It is further submitted that the petitioner made confessional statement in para 25 and 85 of the case diary and the petitioner simply disclosed that he became well acquainted with Pathan Tausif Khan but there is no other material to show that the petitioner is involved in any terrorist activities along with Pathan Tausif Khan. Some recovery was made from the house of the petitioner but all those articles belong to Pathan Tausif Khan. The petitioner is in jail since 15.09.2017 but only charges have been framed and out of 28 prosecution witnesses, none of the witnesses have been examined, therefore, the petitioner deserves bail.

On the contrary, Mr. B.N. Pandey, the learned Additional P.P. submits that the petitioner was arrested along with Pathan Tausif Khan who is an accused in Ahmedabad serial blast case in which many persons were killed. This petitioner and others were fully aware of the fact that Pathan Tausif Khan was a terrorist and he was an accused in serial bomb blast case even then the petitioner not only gave shelter to Pathan Tausif Khan but also participated in other activities along with Pathan Tausif Khan. Besides the confessional statement, several incriminating articles



were recovered from the house of the petitioner which the petitioner claims to belong to Pathan Tausif Khan and the articles shows that the petitioner was actively associated with the activities of Pathan Tausif Khan.

Having considered the facts and nature of allegations made against the petitioner and the facts that it appears that the petitioner not only gave shelter to a dreaded terrorist who was an accused in Ahmedabad serial blast case in which many persons were killed, the petitioner also actively participated in the activities of Pathan Tausif Khan and he used to accompany Pathan Tausif Khan and participated in all the activities along with Pathan Tausif Khan, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within one year from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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