

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24139 of 2021**

Arising Out of PS. Case No.-158 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

Nirale Khan, S/o Nejamul Haque Khan, R/o village- Islamiya Muhala Ward
No.- 12, P.S.- Gopalganj Nagar, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar, Adv.

For the Opposite Party/s : Smt. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 29-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner seeks bail in connection with Tr.
No.06/2020 arising out of Gopalganj P.S. Case no.158 of 2020,
registered for the offence punishable under Sections 399, 420,
414 of the Indian Penal code and Section 25(1-b)a, 26, 35 of the
Arms Act and Section 8(c), 21(a) of N.D.P.S. Act.

Prosecution case in brief, is that at about 11.30 A.M
on 07.03.2020 on confidential information that some miscreants
were planning to commit dacoity at Islamiya Mohalla Dargah in
front of Gauri Sah Shop, a raid was conducted and four persons
were apprehended who disclosed their names as Yogendra



Thakur, Raushan Khan, Vyas Bind and Arif Ali. From the possession of one co-accused, Arif Ali five sachets of smack were recovered weighing three grams and from the possession of other co-accused, arms and smacks were recovered.

Learned counsel for the petitioner submits that petitioner's name has been taken by a co-accused that while in course of raid the petitioner had fled away. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is accused in another case registered under Section 399/402 read with Section 25(1-b)a,26 of Arms Act of the IPC relating to Kuchaikot P.S. Case No.70/2015 in which he has already been released on bail.

Learned counsel appearing for the State submits that petitioner has been named in the FIR and his complicity cannot be ruled out and he is a habitual offender.

Considering the afore-mentioned facts and circumstances and submissions made on behalf of the learned counsel for the petitioner as well as consideration of the seizure list prepared with respect to the recovery of contraband items, nothing has been recovered from the conscious possession of the petitioner, this Court directs to release the petitioner after



obtaining the criminal antecedent of the petitioner from the Superintendent of Police, Gopalganj and upon being satisfied the court below be released the petitioner, above named, on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, Ist, Gopalganj in connection with Tr. No.06/2020 arising out of Gopalganj P.S. Case no.158 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Prakash Narayan /-

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