

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9264 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- AANDAR District- Siwan

Raja @ Saif Ali Khan Son of Khurhed Khan Resident of Village - Khajepur
Kala, P.O.- Rampur Ka Tola, P.s.- M.H.Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Aander (M.H. Nagar) P.S. Case No. 132 of 2021 registered for the alleged offences under Sections 399, 402 of the Indian Penal Code, Section 25(1-b)a, 26 and 35 of the Arms Act and Section 3/4 of Explosive Substances Act.

As per prosecution case, the police conducted raid on the house of the co-accused Sanoj Patel on receiving information about some criminals assembling there and making preparation for committing some offence. From the house of the



co-accused, two country made bombs, a country made pistol and four live cartridges were recovered. The co-accused named this petitioner as the person who left the house before the raid.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Except for confessional statement of the co-accused, there is nothing against this petitioner. Moreover, no criminal act has been attributed by this petitioner except that he was stated to have left the house of the co-accused just before the raid. The petitioner was not present there and he did not escape from there. Nothing incriminating has been recovered from his possession. From bare perusal of the FIR, it is obvious that no offence is made out against this petitioner, who has been implicated only because co-accused disclosed that this petitioner was his friend. Charge-sheet has been submitted and the petitioner is in custody since 07.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in other three cases.

Having regard to the submissions made hereinabove and considering the fact that the contents of the FIR hardly show anything serious against this petitioner and further considering the submission of charge-sheet the period of his



custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Siwan in connection with Aander (M.H. Nagar) P.S. Case No. 132 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) The petitioner will not commit similar type of cases in future.

(v) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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