

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12376 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- DUMRAO District- Buxar

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SHAHRIKH KHAN, Son of Late Firoj Khan Resident of Village - Naibazar,
P.S.- Buxar (Muffasil), in the Distt. of Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with S. Tr.

No. 269 of 2021, arising out of Dumraon P.S. Case No. 22

of 2021, registered for the offences punishable under

Sections 399, 402 of IPC and Sections 25(1-b)a, 26, 35 of

the Arms Act.

The prosecution story in brief is that the police got

information that 7-8 miscreants have assembled at the place

of occurrence and were planing to commit a crime,

proceeded towards the place of occurrence and upon seeing

the police party, the accused persons started fleeing away.



However, they were apprehended by the police and from possession of the petitioner one loaded country made pistol has been recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He has further submitted that the seizure list has been prepared in complete violation of Section 100 Cr.P.C. It has further been submitted that similarly situated co-accused, namely, Md. Mustaque Ali @ Bholi @ Mustafa has been granted bail by a Bench of this Court *vide* order dated 20.01.2022, passed in Cr. Misc. No. 38803 of 2021.

The petitioner is in custody since 14-01-2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Hon'ble Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances of this



case, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV, Buxar in connection with S.Tr. No. 269 of 2021, arising out of Dumraon P.S. Case No. 22 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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