

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12079 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- GURUA District- Gaya

1. MD. AHMAD RAJA KHAN Son of Md. Asgar Ali @ Md. Asgar Ali Khan @ Azgar Khan Resident of Village- Moramardana, Police Station - Magadh University, Bodh Gaya, District - Gaya.
2. Md. Sahrukh @ Mohammad Saruk Son of Sarwar Khan Resident of Village - Khandail, Police Station - Sherghati, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad
For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners seek regular bail in connection with Gurua P.S. Case No. 232 of 2021 for the offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the allegation made in the F.I.R., one mobile phone each has been recovered from the possession of the petitioners.



It is submitted by learned counsel appearing on behalf of the petitioners that the petitioners are in custody since 07.10.2021. Only one mobile phone has been recovered from the possession of the petitioners. That apart, nothing has been recovered from their possession.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners.

Court below is directed to verify in light of the statement made in Para-3 of the bail application as to whether petitioners along with two other accused are member of the gang and are involved in robbery and theft in the area and if it is found that the petitioners are not involved in any other case as what has been mentioned in Para-3 of the bail petition, the petitioners, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya in connection with Gurua P.S. Case No. 232 of 2021, subject to the following conditions:-

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



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

(3) If the petitioners tamper 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 petitioners.

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(Purnendu Singh, J)

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