

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17094 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

Md. Shahid Afridi, Son of Md. Kamruddin, Resident of Bagicha New Area,
P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62929 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

Md. Sikandar Ahmad, S/O Md. Shamsheer Ahmad, Resident of Dhuniya
Mohalla- Rafiganj, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17094 of 2022)

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 62929 of 2021)

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-08-2022 Since both the applications arise out of Gaya Rail P.S.

Case No. 100 of 2021, as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsels for the petitioners 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 petitioners seek bail in connection with Gaya Rail P.S. Case No. 100 of 2021, registered for the alleged offence under Sections 25 (1-b) a, 26 and 35 of the Arms Act.

As per the prosecution case, from the petitioner-Md. Shahid Afridi, a country made pistol along with magazine containing two live cartridges and two mobiles were recovered and from the petitioner-Md. Sikandar Ahmad, a magazine containing a live cartridge, an iron finger fighter and a mobile were recovered when the police intercepted a car on information that four miscreants in a car were planning to commit robbery and all of them were apprehended and the petitioners are two of the apprehended persons.

The learned counsels for the petitioners submits that the petitioners have falsely been implicated in this case and no recovery has been made from the conscious possession of the petitioners. The petitioner-Md. Sikandar Ahmad is having clean antecedent whereas the petitioner Md. Shahid Afridi has two cases pending against him. The petitioners are in custody since 14.06.2021 and the charge sheet has been submitted in this case.



Learned APP opposes the prayer for bail submitting that recovery has been made from the person of both the petitioners and they were apprehended on information that they were planning to commit robbery.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate (Railway), Gaya in connection with Gaya Rail P.S. Case No.100 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner-Md. Shahid Afridi will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.



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

(Arun Kumar Jha, J)

V.K.Pandey/-

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