

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18773 of 2022

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

ASLAM KHAN @ SIKANDAR KHAN Son of Md. Asgar Ali Khan Resident
of Village - Moramardana, P.S.- Magadh University, Bodh Gaya, District -
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Gurha
P.S. Case No. 232 of 2021 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Section
25(1-B)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.10.2021.

The allegation against the petitioner is to have in
possession of one country made pistol and 08 live cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of firearms and live cartridges were not made from conscious physical possession of the petitioner. It is submitted that entire seizure list is disputed for the reason that the same is not supported by the independent witnesses and same is also appears in violation of Section 100 (4) of the Cr.P.C. It is also submitted that the petitioner is involved in one more criminal case, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, as seizure list is not supported by the independent witnesses, where petitioner is in custody since 07.10.2021 coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gurha P.S. Case No. 232 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate 1st Class, Sherghati,
Gaya, subject to the conditions, as mentioned under Section 437
(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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