

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22865 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- AMAS District- Gaya

Zeeshan Rahman, son of Late Anisur Rahman, Resident of Gol Bagicha Adda, Police Station- Kotwali, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Raj Krishan Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Amas P.S. Case No. 330 of 2021 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, it is alleged that the police on a secret information that notorious criminals have assembled and planning to commit dacoity, a raid at the house of Salim Khan @ Sabhu Khan was conducted and two of the persons, namely, Armanullah Khan and Pankaj Kumar were arrested



from the spot. It is further alleged that on noticing the police party, the other accused persons including the petitioner fled away from the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. It is next submitted that the alleged recovery of arms have been made from the possession of the persons, who were apprehended by the police in course of raid. It is next submitted that the petitioner was arrested in connection with Sherghati P.S. case no. 686 of 2021 and thereafter he has been remanded in this case on 05.12.2021 and since then he is in custody. It is lastly submitted that there are other serious irregularity in preparation of seizure list and save and except the disclosure made by the co-accused, there is no other material, which suggests the complicity of the petitioner in the present crime.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has found involved in one another case, apart from the fact that his name has been disclosed by the co-accused, who was apprehended by the police.

Having regard to the submissions made on behalf of



the parties and considering the fact that the name of the petitioner transpired on the disclosure made by the co-accused and save and except the disclosure of the co-accused, there is no other material against the petitioner and he is in custody since 05.12.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Amas P.S. Case No. 330 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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