

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25482 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Md. Manauar Khan S/o Late Amjad Khan R/o village- Ariyari, P.S.- Ariyari, Distt.- Sheikhpura
2. Md. Isarail Khan S/o Late Amjad Khan R/o village- Ariyari, P.S.- Ariyari, Distt.- Sheikhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 25565 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- ARIYARI District- Sheikhpura

1. Munsif Khan S/o Mofij Imam R/o village- Ariyari, P.S.- Ariyari, District-Sheikhpura
2. Ilias Khan S/o Late Sekhawat Khan R/o village- Ariyari, P.S.- Ariyari, District- Sheikhpura
3. Nausad Khan S/o Noor Khan R/o village- Ariyari, P.S.- Ariyari, District-Sheikhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In Criminal Miscellaneous No. 25482 of 2022)

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

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

(In Criminal Miscellaneous No. 25565 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2022

Heard counsel for the parties.

The petitioners are in custody in connection with
Ariyari P.S. Case No. 10 of 2022 under section 25(1-b)a/26/35



of the Arms Act.

As per the prosecution story when the informant of this case was attending monthly crime meeting at the office of Superintendent of Police, Sheikhpura, he got information that there has been incident of firing in the village Ariyari between two groups of people with regard to the land survey going on there. After informing the Senior Police Officer, Sheikhpura present in the meeting, the informant S.I. Arvind Kumar proceeded to the spot along with police force from the Ariyari P.S.. As it village Ariyari, they found one person lying dead on spot and other person was in the injured conditions also there. After enquiry from the local people, informant came to know that the dead person is Nishar Khan. On the spot, son of the deceased Nishar Khan gave a written letter informing that Manawar Khan and Naushad Khan killed his father Nishar Khan by opening fire. The informant reached the house of Ramachandra Yadav where two persons Manawar Khan and Ishrael Kha were arrested and on the search, country made pistol was recovered from the right side waist of the accused Manawar Khan and from the possession of Israiel Khan a country made 'katta' as also one cartridge of .315 bore was recovered. As they failed to provide documents, the police



arrested Iliash Khan and Munsif Khan in the injured condition and seizure list was prepared on the spot.

This led to institution of Ariyari P.S. Case No. 09 of 2022 under sections 147, 148, 149, 307, 302 of the Indian Penal Code and 27 of the Arms Act for the alleged firing. Further on the basis of self statement of the Officer-in-charge, the Ariyari P.S. Case No. 10 of 2022 has also been registered under section 25(1-b) a/26/35 of the Arms Act.

The petitioners are before this Court in connection with Ariyari P.S. Case No. 10 of 2022.

Learned counsel for the petitioners submit that they are already in custody in connection with the aforesaid Ariyari P.S. Case No. 09 of 2022 lodged by the informant against them. So far as this case is concerned, it only relates to recovery of arms from them inasmuch as as per the allegation, from petitioner no.1, Md. Manauar Khan, a country made pistol has been recovered/seized, from petitioner no.2, Md. Isarail Khan one country made revolver as also a live cartridge has been recovered/seized.

So far as the other three petitioners namely Munsif Khan, Ilias Khan and Naushad Khan in Cr. Misc. No. 25565 of 2022 are concerned, nothing has been recovered/seized from



them (para-9 of the bail application) and have been implicated due to criminal antecedents.

Taking into account the aforesaid facts that ultimately the petitioners have to face consequences in connection with Ariyari P.S. Case No. 09 of 2022 which has been registered under section amongst 302 of the Indian Penal Code and so far as this Ariyari P.S. Case No. 10 of 2022 is concerned, the same relates to recovery/seizure of one country made revolver and live cartridge as also the fact that they are in custody since 25.1.2022 and 22.2.2022 respectively, charge-sheet stands submitted, this Court is inclined to grant them the privilege of bail in view of the fact that they have criminal antecedents.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Ariyari P.S. Case No. 10/2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every month till the conclusion of the trial to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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