

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62221 of 2021

Arising Out of PS. Case No.-232 Year-2018 Thana- AMAS District- Gaya

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BABAR @ ASHADULLAH KHAN @ ARSHADULLAH KHAN Son of
Sabaullah Khan Resident of Village - Hamzapur, P.S.- Amas, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-04-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Amas P.S. Case No. 232 of 2018 for the offence registered
under Sections 399 and 402 of the Indian Penal Code and
Sections 25(1-B)A, 26 and 35 of the Arms Act.

The allegation is regarding the police having received
secret information that some miscreants were conspiring to
commit crime whereafter the police force had reached at the
place of occurrence and arrested four persons. It is also alleged
that upon search, one loaded country made pistol was recovered
from the possession of the co-accused person, namely, Chand
Alam and some live cartridges were recovered from the other
co-accused persons. It is also alleged that the said arrested co-
accused persons had disclosed the name of the petitioner to be



the miscreant who had fled away from the spot upon seeing the police force.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 07.04.2021. The learned counsel for the petitioner has further submitted that the petitioner has been implicated in the present case merely on suspicion inasmuch as neither any incriminating articles nor any looted articles have been recovered from the petitioner.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner has neither been arrested from the spot nor any illicit arms have been recovered from him nor any looted articles have been recovered from the petitioner apart from the fact that the petitioner is having a clean antecedent and he is languishing in custody since one year, I deem it fit and proper to direct for release of the petitioner herein on regular bail.



Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sheghati (Gaya) in connection with Amas P.S. Case No. 232 of 2018

(Mohit Kumar Shah, J)

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