

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54128 of 2022**

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

Armanullah Khan @ Arman Khan @ Md. Armanullah @ Fotu Khan @ Foto Khan Son Of Tauheed Kahn @ Mallu Khan Resident Of Village-Hamzapur P.S.- Amas, District- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Learned counsel for the petitioner seeks permission to make correction in paragraph '3' as regards the petitioner being on bail in the cases mentioned therein.

She is permitted to do so by 22nd December, 2022.

Heard Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Kumar Veerendra Narayan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Amas P.S. Case No. 330 of 2021 registered for the offences punishable under Section 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. He is



in custody since 05.12.2021 having twelve (12) criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, on 04.12.2021 when the informant received a secret information that notorious criminal Armanullah Khan @ Photo Khan with his associates assembled at Salim Khan @ Sabbu Khan house and planning to commit dacoity, he conducted raid at his house, on seeing the raiding team some miscreants started fleeing away but Armanullah Khan (petitioner) and one Pankaj Kumar @ Pankaj Paswan were arrested on the spot. The informant further alleged that on search, a loaded deshi Katta on the waist of Armanullah Kha with two live cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that a loaded katta with two live cartridges were recovered from the pocket of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 05.12.2021. Submission is that the seizure list witnesses are said to be the only police personnel.

Mr. Kumar Veerendra Narayan, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.



Having regard to the facts and circumstances of the case, wherein it is submitted that in the present case the petitioner has been arrested with an allegation that a country made Katta and two live cartridges from the pocket of the petitioner was seized but in connection with this case he has remained in custody since 05.12.2021, and in 11 cases out of 12 he is said to have granted bail, there being no submission that release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, therefore this Court directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) 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 as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available
only after removal of the defects.

(Rajeev Ranjan Prasad, J)

vats/-

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