

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(BEFORE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.923 of 2022**

Arising Out of PS. Case No.-132 Year-2021 Thana- AANDAR District- Siwan

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AARIF KHAN @ LADLA, Son of Nurul Hoda, Resident of Village- Rajan-
pura Tolapar, P.S. M.H.- Nagar, District- Siwan, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s: Mr.Anand Kishore Choudhary, A.P.P.

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

2 20-05-2022 Learned counsel for the petitioner undertakes to re-

move the defects as pointed out by the Stamp Reporter within two
weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Anand
Kishore Choudhary, learned APP for the State.

The petitioner in the present is seeking regular bail in
connection with Andar P.S. Case No. 132 of 2021 registered for
the offences punishable under Sections 399, 402 of the Indian Pe-
nal Code, Section 25(1-b)a, 26, 35 of the Arms Act and Section
3/4 of the Explosives Substances Act. The petitioner is in custody
since 27.07.2021. He has got one criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant in this case is a Police Officer
who was posted as Officer-in-charge of M.H. Nagar, Siwan. Ac-



According to him, he got secret information on 25.07.2021 at 4.30 P.M. that co-accused Sanoj Patel is planning to commit a crime along with some miscreants and weapons and they have assembled in the new house of this petitioner. The informant claims that he recorded a Sanha entry to this effect in the Station Diary and after informing the senior Police Officer he left with the constables named in the F.I.R. and at about 5.00 P.M. he reached at the house of Sanoj Patel situated at Bujurg. The informant alleges that the door of the house was closed and after some time on insistence when the door was opened four persons were found present inside the house namely Sanoj Patel, Tabrez Khan, Mumtaz Khan and Aarif Khan (this petitioner). The villagers had also assembled at the said place. The four persons disclosed their name and in presence of the people the house was searched but nothing was recovered from the house. The informant further says that he locked the house through Sanoj Patel and took all the four persons to the Police Station. About Sanoj Patel, it is stated that he was injured so he was sent to the government hospital and after his statement when he again came to the Police Station there on 26.07.2021 at 8.20 A.M. Sanoj Patel and others disclosed that they are committing crimes together and were planning to commit lootpat. They also disclosed that they had concealed one country made Katta, some cartridges and two bombs in the Bhusa Ghar at the second



floor of the house. It is then alleged that at about 9.00 A.M. the informant conducted raid at the house of Sanoj Patel and from there he recovered one country made Katta and four cartridges (Chharra) and two local bombs.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that he was arrested because he was present at the house of Sanoj Patel. The petitioner is in custody since 27.07.2021.

Mr. Anand Kishore Choudhary, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions that the petitioner was arrested when he was just present in the house of co-accused Sanoj Patel on 25.07.2021 but no incriminating article was recovered from his possession, he was also brought to the Police Station with three co-accused and on the next day i.e. on 26.07.2021 Police claims to have searched the house of Sanoj Patel and recovered the incriminating materials of one country made pistol, four cartridges and two country made bombs concealed under the cattle feed stored at the second floor of co-accused Sanoj Patel, the said Sanoj Patel has been granted bail by this Court in Cr. Misc. No. 71741 of 2021, the petitioner has got one criminal antecedent and



in the said case he has been remanded from the present case, the petitioner has remained in custody since 27.07.2021, investigation against him is complete and his presence may also be secured in course of trial, hence, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.IV, Siwan in connection with Andar P.S. Case No. 132 of 2021, subject to the conditions as laid down under Section 437(3) of the 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 step 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court web-site under the heading 'Judicial Orders Passed During The Pandemic Period'.

