

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22520 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- IMAMGANJ District- Gaya

SAFIR KHAN Son of Alamgir Khan Resident of Village - Madarpur, P.S.-
Dumariya, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-B), 26/35 of the Arms Act.

As per prosecution case, some accused persons including the petitioner apprehended on the spot and from possession of the petitioner one mobile phone was recovered.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. No arms has been recovered from possession of the petitioner so no case is made out against the petitioner under the Arms Act and it appears from the F.I.R. and seizure list that only one mobile phone has been recovered from



the possession of the petitioner which belongs to him. As per F.I.R., no any independent witnesses supported the prosecution version. Other co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 11.05.2023 passed in Cr. Misc. 16461 of 2023. Moreover, the petitioner is languishing in judicial custody since 22.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Imamganj P.S. Case No. 247 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Sherghati, Gaya.

(Sunil Kumar Panwar, J)

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