

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24486 of 2023

Arising Out of PS. Case No.-312 Year-2021 Thana- SHERGHATI District- Gaya

1. ASLAM KHAN @ SHIKANDRA @ SHIKADRA KHAN SON OF MD. ASGAR ALI @ ASGAR ALI KHAN RESIDENT OF VILLAGE- MOR MARDANA, PS- BODH GAYA, DISTT- GAYA , BIHAR
2. MD. AMJAD RAJA KHAN @ MD AHMAD RAJA KHAN @ AHMAD RAZA SON OF MD. ASGAR ALI KHAN @ ASGAR ALI RESIDENT OF VILLAGE- MOR MARDANA, PS- BODH GAYA, DISTT- GAYA , BIHAR
3. SHARUKH KHAN @ MD. SHARUKH KHAN SON OF MD.SARWAR KHAN RESIDENT OF VILLAGE- MOR MARDANA, PS- BODH GAYA, DISTT- GAYA , BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Upadhyay, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Sherghati
P.S. Case No. 312 of 2021 registered for the offence under
Sections 379 of the Indian Penal Code. Later on charge sheet has
been submitted under Section 395 of the Indian Penal Code.

Some unknown thieves are alleged to have stolen away
the electronic goods form the store of K.E.C. International Ltd.

Learned counsel appearing for the petitioners submits
that the petitioners are innocent and have falsely been implicated



in this case. He further submits that the petitioners have not been named in the F.I.R. but their name transpired in this case during course of investigation on the confessional statement of the co-accused, Suraj Kumar. He further submits that in fact nothing incriminating has been recovered from the house or conscious possession of the petitioners nor they have been put on T.I.P. by the prosecution as yet. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 17.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Sherghati, Gaya in connection with Sherghati P.S. Case No. 312 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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