

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19100 of 2023

Arising Out of PS. Case No.-377 Year-2017 Thana- CIVIL LINE District- Gaya

Shahansha @ Sanna Khan Son of Late Wasil Khan @ Late Md. Vasil Khan
R/V- Karmauni, P.S- Dobhi, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Md. Jubair Ansari, Advocate Mr. Rajesh Kumar Singh, Advocate Ms. Sushma Pandey, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. By filing this application, the petitioner has once again renewed his prayer for regular bail in connection with Civil Line (Gaya) P.S. Case No. 377 of 2017 registered for the offences punishable under Sections 216, 120B, 124A, 34, 419, 420, 467, 468, 471 and 472 of the Indian Penal Code and Sections 13, 16, 18, 19, 30 and 38 of the Unlawful Activities (Prevention) Act (UAPA). The petitioner has got no criminal antecedent.

3. His prayer was lastly refused by this Court *vide* order dated 28.04.2022 passed in Cr. Misc. No. 55939 of 2021.

4. As per the prosecution story, the main accused

Pathan Tausif Khan happened to be a resident of Ahmedabad in the State of Gujarat, he was working as a teacher in Gaya, this petitioner is also a resident of Gaya and when both of them were arrested by Police team headed by Dy.S.P. several incriminating articles like SIM card, pen drive, mobile SD card and other papers were recovered showing that these persons were carrying information with regard to training module of newly inducted terrorists and code words pertaining to arms and ammunition of different terrorist organisations. There were datas containing messages exchanged between different terrorist organisations.

5. This Court has been informed that Pathan Tausif Khan is the main accused of Gujarat serial bomb blast. The investigation has revealed that Pathan Tausif Khan and Ghulam Sarwar Khan were collecting money in their Jihadi Muhim and they were strengthening the organisation of terrorists.

6. Learned counsel for the petitioner has at this stage pleaded that the petitioner has remained in custody for about seven years but the trial has yet not been concluded, therefore on this ground, he would deserve privilege of bail.

7. On the other hand, learned APP for the State submits that in a case of this nature where the petitioner is being tried for his alleged association with the terrorist organisations

and involvement with them and in this connection, altogether twenty eight witnesses are to be examined out of whom nineteen have already been examined, it would not be one of those cases in which the petitioner would deserve privilege of bail only on the ground of his incarceration in jail.

8. This Court had called for a report from the learned trial court. It appears from the report of the learned trial court that out of twenty eight charge-sheet witnesses, nineteen have already been examined and as on the date of report i.e. 10th of January, 2024, nine prosecution witnesses were to be examined, hence the trial court has stated that approximately twelve months time is required to conclude this case.

9. This Court has given it's anxious consideration to the materials on the record. On the one hand, learned counsel for the petitioner has pleaded that the freedom of the petitioner would be important and his continued incarceration during the trial is not required at this stage when he has already suffered for about seven years. At the same time, learned APP for the State submits that in the nature of the allegations where the allegations against the petitioner are serious and it is one of being involved in terrorist activities, his connections with the terrorist organisations and attachment with the kind of training

module of newly inducted terrorists and code words pertaining to arms and ammunitions of different terrorist organisations are such that it involves the nation’s security and it is more in the nature of the larger public security which would outweigh the individual right of the petitioner to get bail on the ground of his continued incarceration. In these circumstances, this Court is of the opinion that when only nine prosecution witnesses are to be examined and that too out of one year period within which the trial court itself expects to conclude the trial, six months have already gone, this Court is not inclined to release the petitioner on bail. Prayer is refused.

10. The learned trial court is expected to proceed with the trial to ensure it’s conclusion in terms of it’s report.

11. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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