

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20347 of 2024

Arising Out of PS. Case No.-839 Year-2023 Thana- AGAMKUAN District- Patna

Afridi Khan Son of Aenu Khan Resident of Bantara, Thana - Devkund,
District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Agamkuan P.S. Case No. 839 of 2023, instituted for the offences punishable under Sections 413, 414, 465, 467, 468, 471 of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution case, in short, is that, when the informant reached at Kanti Factory Road near Shiv Mandir, she saw that a black colour Ford vehicle bearing Registration No. BR43Q 0003 is coming. The police signaled for stopping the vehicle but, on seeing the police, the driver of the vehicle tried to flee away but, was apprehended by the police. Four man and a women (transgender) were there in the car. They disclosed



their names as Shahid Alam @ Sahil, Danish Khan, Afridi Khan (petitioner), Sharif Khan and Lilly @ Payal. On search, a pistol, five live cartridges, mobile phones, Aadhar Cards, two mask, etc. were recovered from the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Aadhar card, PAN card and valid driving license have been recovered from the possession of the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is a tempo driver and he does the job of driving tempo on per day salary. The petitioner is in custody since 28.08.2023 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 16.02.2024 passed in Cr. Misc. No. 6600 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Agamkuan P.S. Case No. 839 of 2023, subject to the following condition:

(I) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-
Alok/-

U		T	
---	--	---	--

