

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33491 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- SHRIKRISHNAPURI District- Patna

Aayub Khan, aged about 23 years, Gender-Male, Son of Md Bablu Khan,
Resident of Village- Pothi Colony Sanhali, P.S- Kadwa, Dist- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Vaishnavi Singh and Mr. Ritwik Thakur,
Advocates

For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 09-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sri
Krishnapuri Town P. S. Case No. 255 of 2023 dated 22.03.2023
registered for the offences punishable under Sections 489D and
120B of the I.P.C.

3. As per the prosecution case, the informant and other
police personnel got information that illegal business of wine is
going on in a room of 'Rajaram Apartment', Anandpuri, Patna.
He reached there and apprehended the petitioner and the co-
accused Ratan Yadav. They also disclosed the name of other
persons. Thereafter, the informant searched the room and
recovered 354 pieces of duplicate note each of Rs. 500/-, total



Rs. 1,77,000/-, 142 pages, on each page Rs. 500/-printed duplicate note, 64 pages half printed duplicate note of Rs. 500/-, 13 pieces duplicate note of Rs. 200/-, total Rs. 2600/-, 21 pages on each page Rs. 200/- printed duplicate note, 8 pieces of half printed duplicate note of Rs. 200/-, three Chinese colour magenta, yellow, cyan colour, one black cannon printer for printing of duplicate note, 150 pieces of blank sheet for printing of duplicate note, two mobiles of Samsung and Vivo Company, Adhar Card, Pan Card and Passbook of the petitioner and Aadhar Card and Debit Card of the co-accused Sachin Kumar, Aadhar Card of the co-accused Shamim Khan and Nasim Khan and two pieces of Wilkinson Blade and English wine. It is further alleged that during the course of fleeing away from the place of occurrence, the petitioner sustained injuries hence, he was brought to government hospital, then to P.M.C.H. and lastly he was brought to the private hospital, namely, 'Udyan'.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner after completing his graduation, he was residing in Anandpuri in a hostel-cum-paying guest room and he was taking online classes for B.P.S.C. Examination. The petitioner is neither the tenant



nor the owner of the flat in question. The petitioner being a resident of the said locality was passing through and he saw the police action and wrongly the police apprehended him also with ulterior motive. Thereafter, he protested, on which, he was brutally assaulted by the police personnel resulting in fracture of his right leg and he was admitted in Udayan Hospital and only in order to save their skin, the police personnel has falsely implicated him in the present case. The family members of the petitioner had paid the medical bills and demanded medical charts and other documents but the staff of the hospital in collusion with the police refused to give the same saying that the same will be given to the police. The petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 01.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Patna in connection with



Sri Krishnapuri Town P.S. Case No. 255 of 2023 with further condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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