

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42328 of 2024

Arising Out of PS. Case No.-451 Year-2023 Thana- GURUA District- Gaya

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ARMAN KHAN @ ARMANULLAH KHAN @ MD. ARMANULLAH KHAN @ FOTO KHAN SON OF LATE TAUHID KHAN @ MALLU KHAN RESIDENT OF VILLAGE - HAMJAPUR, WARIS NAGAR, P.S. - AMAS, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 24-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gurua P.S. Case No. 451 of 2023 instituted for the offences under Section 387 of the Indian Penal Code.

3. Prosecution case, in short, is that on the alleged date and time, one miscreants made a whatsapp call on the mobile phone of informant's cousin from Mobile No. 7061731998 and threatened him of dire consequences if he denies to pay the ransom to one Fotu Khan.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case.



Petitioner is not named in the F.I.R. The name of the petitioner transpired in this case on the basis of mobile phone. Learned counsel further submitted that the said mobile number does not belong the petitioner. Learned counsel further submitted that petitioner never demanded any extortion nor any transaction of amount took place between the informant and the petitioner. No incriminating/looted article has been recovered from the conscious possession of the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.11.2023 and has fifteen criminal antecedents.

5. Learned A.P.P. 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 as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gurua P.S. Case No. 451 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) 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.

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

(IV) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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