

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52131 of 2024

Arising Out of PS. Case No.-382 Year-2023 Thana- CHIRAIYA District- East Champaran

Sahid Khan @ Shahid Khan @ Sahid @ Sajid @ Sazid Son Of Late Seraj
Khan Village- Madhopur, Ps- Chiraiya, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Prasad, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chiraiya P.S. Case No. 382 of 2023 lodged on 10.08.2023 under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons, including the
present petitioner alleging therein that they are planning to
commit robbery with arms.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the petitioner is neither apprehended by the police
from the place of occurrence nor any arms have been recovered



from his possession. He further submits that his name has figured in this case on the basis of confessional statement of the co-accused from whose possession arms have been recovered. Learned counsel further submits that name of the petitioner inserted in this case due to the reason that his criminal antecedent is not clean as there are six criminal cases pending against him.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned court of 1st Additional Sessions Judge, East Champaran, Motihari, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-



- 1. Dhaka P.S. Case No. 162 of 2023
- 2. Chiraiya P.S. Case No. 397 of 2023
- 3. Chiraiya P.S. Case No. 228 of 2023
- 4. Chiraiya P.S. Case No. 227 of 2023
- 5. Dhaka P.S. Case No. 247 of 2023
- 6. Chiraiya P.S. Case No. 235 of 2023

(Dr. Anshuman, J.)

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