

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70705 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- BARGAINIA District- Sitamarhi

Kamran Khan Son of Atarujjama Khan Resident of Village - Jodiyahi, Ward
No.- 12, P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Bairgania P.S. Case No. 135 of 2024, registered for the offences under Sections 399, 402 of the Indian Penal Code and Section 25(I)(b), 25(I)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, on tip off about gathering of 6-7 miscreants for committing some offence, a raid was conducted and two persons were apprehended after chase and three persons fled away from the spot. Petitioner is one of the apprehended persons and from his possession, a country made *katta* with .315 bore cartridge and one more cartridge from his pocket were recovered.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that search and seizure were made at different places and the FIR was typed in the police station and this shows the probability of false implication of the petitioner. From the perusal of FIR, it is clear that except for showing recovery of firearm and ammunition against the petitioner there is no material to connect the petitioner with the further offences as alleged in the FIR. The petitioner has no concern with the occurrence as alleged and he has been made accused under a conspiracy. The petitioner is in custody since 28.05.2024 and charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet against the petitioner and also the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/concerned court, in connection with Bairgania P.S.



Case No. 135 of 2024, subject to the condition laid down under
Section 437(3) of the code of Criminal Procedure and other
following conditions:

- (i) One of the bailors will be a close
relative of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the below, if
so required by the learned trial court.
- (iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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