

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83657 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- KADWA District- Katihar

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SHAHTAJ KHAN @ M.P. @ ROHTAJ KHAN SON OF MEHARBAN
KHAN R/O VILLAGE- SAKERPURA, P.S.- DANDKHORA, DIST.-
KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Musowir

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 461, 379, 413, 414, 411 and 382 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. As per allegation in the FIR, on secret informantion that some criminal were committing the offences of loot in the ATM, raiding the said place of occurrence. Seeing the police party, all the accused persons tried to flee away but two accused persons were apprehended. On search of them, one knife, mobile and a loaded country made pistol with cartridge were recovered.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case due to local politics. He has no concern with alleged recovery. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. The name of the petitioner has come on the basis of confessional statement of apprehended co-accused Md. Tausif @ Guddu before the police which has no evidentiary value in the eye of law. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. The other co-accused Arju Khan has already been granted bail by another co-ordinate Bench of this Court vide order dated 22.12.2023 passed in Cr. Misc. No. 81101 of 2023. Moreover, petitioner is languishing in judicial custody since 06.09.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Kadwa P.S. Case No.197 of 2023.

(Sunil Kumar Panwar, J)

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