

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9726 of 2024

Arising Out of PS. Case No.-362 Year-2021 Thana- MANJHAGARH District- Gopalganj

TUNTUN KHAN @ SAMIR @ BABU KHAN S/O KAZIM KHAN R/O
VILLAGE- SHEKPURA, P.S- BASANTPUR, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manjeet Kumar Bishen, Advocate
	Ms. Shilpa Kumari, Advocate
	Ms. Megha Kumari, Advocate
For the Opposite Party/s :	Mr. Nagendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 22-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Manjhagarh P.S Case no.362 of 2021 registered under sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, six accused persons on two motorcycles on being stopped by the police party made an attempt to escape. While four of them were caught, they disclosed the name of the two persons who had managed to escape as Vijay Kumar and Ajay Kumar. It is further stated that one of the accused who was caught disclosed that he along with his friend, the petitioner herein extract *rangadari* from various



persons.

4. Learned counsel for the petitioner submits that neither the petitioner was arrested at the spot nor any incriminating article recovered from his possession. The only material against him is the statement of co-accused made before police. The petitioner is in custody since 2.6.2023 and charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, no role having been assigned to the petitioner therein, no incriminating article having been recovered from the petitioner's possession who is in custody for 8 months since 2.6.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Manjhagarh P.S. Case no.362 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj.

(Partha Sarthy, J)

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