

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4392 of 2024

Arising Out of PS. Case No.-839 Year-2023 Thana- AGAMKUAN District- Patna

Sharif Khan S/O MD SALIM KHAN @ SALIM KHAN RESIDENT OF
VILLAGE- BANTARA, PS- DEVKUND, DISTRICT- AURANGABAD
(BIHAR)

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4548 of 2024

Arising Out of PS. Case No.-839 Year-2023 Thana- AGAMKUAN District- Patna

Lilly @ Payal Rahul Kumar Resident at Gulzarbagh, Shimla, P.S. And
District Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4392 of 2024)

For the Petitioner/s : Mr. Umakant Mishra, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 4548 of 2024)

For the Petitioner/s : Mr. Umakant Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024

Heard the parties.

2. The petitioners are in custody in connection with
Agamkuan P.S. Case No. 839 of 2023 for the offence punishable
under section 413, 414, 465, 467, 468, 471 of the Indian Penal
Code and 25(1-b)a, 26, 35 of Arms Act lodged on 27.08.2023
by the informant, Usha Singh.

3. As per the prosecution story, the police intercepted
a Ford vehicle and from the passengers, pistol, live cartridges,
mobile phones as also Aadhar Cards recovered/seized.



Accordingly, the FIR.

4. Learned counsel for the petitioners submit that so far as the petitioner, Sharif Khan is concerned, there is recovery of Samsung mobile and Aadhar of his staff. In the case of Lily @ Payal, again the recovery is of mobile, her Aadhar card and the 'Dupatta' as also mask.

5. The further submission is that nothing incriminating has been recovered from both of them, they were passengers and the on the request of their friend, had come to visit Patna, got implicated, both of them are in custody since 28.08.2023 and do not have criminal antecedent.

6. Learned APP opposes the prayer for bail stating that in the vehicle, incriminating document including pistol and cartridges have been recovered and they were sitting inside the said vehicle.

7. Though, there is recovery of pistol and cartridges, so far as these petitioners are concerned, recovery have been shown to be mobile as also Aadhar Cards, do not have criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with



two sureties of like amount each to the satisfaction of learned
ACJM, IV, Patna City, in connection with Agamkuan P.S. Case
No. 839 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of
the petitioners who shall provide official document to show
his/her bona fide;

(ii) the petitioners shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of their
bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

9. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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