

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6600 of 2024

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

Shaid Alam @ Sahil @ Shahid Alam S/O Sahud Khan Resident of Village-
Raghunathpur, Ps- Hashpura, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 839 of 2023 instituted for the offences
under Sections 413, 414, 465, 467, 468, 471 of the Indian Penal
Code and Section 25 (1-b)a/26/35 of the Arms Act.

3. As per prosecution case, as and when the Informant
reached at Kanti Factor Road near Shiv Mandir, she saw that a
black colour Ford vehicle bearing Registration No. BR43Q
0003 is coming. The police signaled for stopping the vehicle
but, on seeing the police, the driver of the vehicle tried to flee
away but, was apprehended by the police. Four man and a
women (transgender) were there in the car. They disclosed their



names as Shaid Alam @ Sahil (petitioner), Danish Khan, Afridi Khan, Sharif Khan and Lilly @ Payal. On search, a pistol, five live cartridges, mobile phones, Aadhar Cards, Two mask, etc. were recovered from the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only on suspicion. The police has recovered one country made pistol with live cartridges and one mobile phone from the possession of the petitioner. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner is languishing in judicial custody since 28.08.2023. He further submits that the petitioner has been remanded in another case i.e. Agamkuan P.S. Case No. 785 of 2023 registered under Section 356/379 of the I.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case as also taking into account the period of custody and the nature of allegation levelled against the petitioner, let the petitioner, abovenamed, be released on bail after framing of



charge, if the charge is not framed as yet, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Agamkuan P.S. Case No. 839 of 2023.

(Rudra Prakash Mishra, J)

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