

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1214 of 2025

Arising Out of PS. Case No.-413 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Navin Akhtar, aged about 35 years (Male), Son of Hafiz Miyan, Resident of Village - Jungle Sahpur Khirkiya, P.S. - Kotwali Padrauna, District- Kushinagar (U.P.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sadanand Paswan, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kuchai Kote P.S. Case No. 413 of 2024 dated 30.09.2024 registered for the offences punishable under Sections 126(1), 115(2), 118(2), 109, 121(2), 132, 111, 221 read with Section 3(5) of the B.N.S. and Sections 25(1-B)a, 26, 27, 35 and 25 of the Arms Act.

3. As per the prosecution case, on information, the police personnel reached near the village-*Mathia Hardo S.M.D. College* and started checking all the vehicles coming from Uttar Pradesh. In the meantime, at 2.20 P.M., a Scorpio vehicle came and on seeing the police personnel, the driver started turning the vehicle then the police surrounded them. An attempt was made



to catch them, on which the miscreants sitting in the Scorpio vehicle started firing and some miscreants got down from the vehicle and tried to stop the police. In the meantime, the co-accused Basant Kumar Manjhi was shot in the right side of his waist and he got injured. The police personnel also fired back. In the meantime, three miscreants managed to escape with the Scorpio vehicle and two criminals got down from the vehicle and ran away. When the police raided the resident of the co-accused Qutubuddin Ansari alias Chhotu, it was found that one miscreant was injured who could not escape. Thereafter, when the police started searching for that miscreant, he was found in an injured condition in Siswani of Mritunjay Singh located in the village-Petyaria, who was holding a loaded pistol in his hand alongwith one cartridge and there was blood near the ankle of his left foot. It is further alleged that the said person was identified as Navin Akhtar (petitioner) who disclosed the name of other co-accused persons as Qutubuddin Ansari @ Chhotu, Khurshid Ansari, Moinuddin Ansari and Amir Ansari @ Happy who were carrying wine in the Scorpio vehicle and entering in the Bihar and on seeing the police they tried to escape from there. When the police started surrounding them then the co-accused Qutubuddin Ansari @ Chhotu started firing on the



police and the petitioner and the co-accused Khurshid Ansari was also firing after got down from the vehicle and went the sugarcane field and in that course how he received gun shot injury in his left leg he had no knowledge. The police recovered one loaded country made pistol and cartridge from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the pistol seized from the petitioner is not active and useful, hence, it appears that the petitioner was not indulging in the said crime. The injury report of the injured Basant Kumar Manjhi is not on the record although the police submitted charge sheet against the petitioner. He has no concern with the alleged crime. He was working in the field at the time of occurrence unfortunately he sustained firearms injury which was fired by the police. It is submitted that the other co-accused person, namely, Moinuddeen Ansari @ Moinuddin Ansari has already been granted bail by a Bench of this Court vide Cr. Misc. No. 85507 of 2024 under order dated 09.01.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 01.10.2024.

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Kuchair Kote P.S. Case No. 413 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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