

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15398 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- BANDEYA District- Aurangabad

Kaunain @ Kausar Koten Son of Md. Fahimuddin Resident of Village-
Amarpur, P.s.- Rafiganj, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 15-05-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with
Bandeya P.S Case No. 78 of 2024 registered for the
offences punishable under Sections 310 (2), 311 of BNS
and Section 27 of the Arms Act.

3. The brief facts of the case are that on the date of
the incident i.e. on 18.09.2024 the informant Chitranjan Pal
who was driver on the pickup van bearing no. BR 26GB
5479 was proceeding with the pickup van towards Bolganj
from Kasma and at about 12:25 a.m. on 19.09.2024 when
he was near Jaitiya, two motorcycle came from backside of
the pickup van and overtook the pickup van. There were



five persons on the said two motorcycle. The miscreants, opened fire on him which hit the right arm up to ribs and another bullet entered into his backbone. The miscreants were trying to take away his pickup van but on seeing the villagers, they fled away from the scene of the occurrence. He lost his mobile phone.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that there is no incriminating articles has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner is not named in the FIR. The name of the petitioner surfaced in this case on the basis of confessional statement of apprehended co-accused Monu Khan @ Ajaj Khan. Petitioner has clean antecedent and he is in custody since 19.11.2024. Similarly situated two co-accused persons namely Md. Afroz Alam and Monu Khan @ Md. Azaj Khan have been granted regular by this Court vide order dated 13.05.2025 passed in Cr. Miscellaneous No. 10979 of 2025.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.



6. On perusal of the FIR, case diary and impugned order, it appears that petitioner is not named in FIR, his name has been surfaced on the basis of confessional statement of the co-accused Monu Khan @ Ajaj Khan. No T.I.P. has been done. Similarly situated two co-accused persons namely Md. Afroz Alam and Monu Khan @ Md. Azaj Khan have been granted regular by this Court vide order dated 13.05.2025 passed in Cr. Miscellaneous No. 10979 of 2025.

7. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the learned counsel for the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned I/c S.D.J.M, Aurangabad in connection with Bandeya P.S Case No. 78 of 2024.

(Ramesh Chand Malviya, J)

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