

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.12744 of 2025**

Arising Out of PS. Case No.-446 Year-2024 Thana- RAFIGANJ District- Aurangabad

Rashid Khan Son of Heshan Khan Resident of Village - Bhallu Khaira, P.S. -  
Rafiganj, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Syed Alamdar Hussain, Advocate  
: Mr. Prem Kumar, Advocate  
: Mr. Shashi Bhushan Kumar, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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

ORAL ORDER

2      05-03-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with  
Rafiganj P.S. Case No. 446 of 2024 instituted for the offences  
under Sections 132/109 of the Bharatiya Nyaya Sanhita, 2023  
and Sections 25(1-b)a, 26, 27 of the Arms Act.

3. As per the F.I.R., on the basis of secret information,  
police raided the house of the petitioner, during which he  
attempted to fire at the police but misfired and was  
apprehended. It is further alleged that one loaded country-made



pistol, one misfired bullet and four live cartridges have been recovered from this petitioner.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner has got no concern with the recovered arms and ammunitions. Learned counsel further submitted that on perusal of the impugned order, charge-sheet has been submitted in this case only under Sections 25(1-b)a, 26, 35 of the Arms Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.08.2024 and has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances of the case, charge-sheet already being submitted as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the 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 Court  
below/concerned Court in connection with Rafiganj P.S. Case  
No. 446 of 2024.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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