

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16160 of 2025**

Arising Out of PS. Case No.-307 Year-2020 Thana- SULTANGANJ District- Patna

Arif @ Arif Khan, S/o- Md. Badru Miyan, R/o of Mohalla-Mandai P.S.-
Sultanganj, Dist- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raju Giri, Senior Advocate

Mr. Harsh Vardhan, Advocate

Mr. Shamsheer Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

8 06-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Sultanganj P.S. Case No.307 of 2020 registered for the
offences punishable under Sections 147, 148, 149, 341, 386,
302 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is
in custody since 21.06.2024.

4. Allegation against the petitioner is to demand
extortion money from the brother of informant and failing
which, committed murder along with other co-accused



persons.

5. It is submitted by Mr. Raju Giri, learned senior counsel appearing for the petitioner that from the facial perusal of FIR itself, the allegation of fatal firing is made against co-accused Niyaz and not against this petitioner. It is pointed out that the implication of this petitioner is only for the reason that he is the friend of co-accused Niyaz and was present during occurrence, with general allegation of firing. It is pointed out that petitioner remains in custody for more than one year and till date, only one prosecution witness was examined, making conclusion of trial a remote aspect. It is also pointed out by Mr. Giri that similarly situated co-accused, namely, Aftab @ Aftab Khan @ Md. Aftab has already granted bail by this Court through Cr. Misc. No.79320 of 2024 dated 13.12.2024. While concluding argument, it is submitted that the petitioner found involved in five more criminal cases, where he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by



taking note of fact as despite of remaining in custody for more than one year i.e. since 21.06.2024 only single prosecution witness was examined in this matter by the learned trial court, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-V, Patna City, Patna in connection with Session Trial No.1423 of 2024 arising out of Sultanganj P.S. Case No.307 of 2020, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS') and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That petitioner shall not make any deliberate attempt to delay the trial, if so, the State may press petition before the learned



trial court itself for cancellation of bail bond of
the petitioner.

(Chandra Shekhar Jha, J.)

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