

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10979 of 2025

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

Md. Sarjit @ Md. Sarjil @ Mister S/O Suhail Ahmad R/O Village- Kajichak,
P.S- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12069 of 2025

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

Md. Afroz Alam S/o Md. Parwez Alam R/O Village- Abdulpur, P.S-Rafiganj,
District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 17045 of 2025

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

Monu Khan @ Md. Azaj Khan S/O Nasrullah @ Nasrullah Khan Village-
Jhikatiya, Ahmadpur, P.S.- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 10979 of 2025)
For the Petitioner/s : Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 12069 of 2025)
For the Petitioner/s : Mr. Ravindra Kumar, Advocate
Mr. Sanjeet Kumar, Advocate
Mr. Divyani Shekhar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 17045 of 2025)
For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP



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

ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are 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. The nearby people informed the



police on 112.

4. Learned counsel for the petitioners submits that petitioner has falsely been implicated in this case. It is further submitted that there is no incriminating articles have been recovered from the conscious possession of the petitioners. It is further submitted that there is no eye witness in support of allegation against the petitioners. It is further submitted that petitioners are not named in the FIR. It is also submitted that petitioner no. 1, namely, Md. Sarjit @ Md. Sarjil @ Mister is in judicial custody since 21.09.2023, petitioner no. 2, namely, Md. Afroz Alam is in custody since 18.11.2024 and petitioner no. 3, namely, Monu Khan @ Md. Azaj Khan is in custody since 21.09.2023. Learned counsel further submits that petitioner no. 2, namely, Md. Afroz Alam has got clean antecedent as stated in paragraph 3 of the bail application.

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 petitioners are not named in FIR their name surfaced from the confessional statement of the co-



accused. As far as petitioner no. 2, namely, Md. Afroz Alam and petitioner no. 3, namely, Monu Khan @ Md. Azaj Khan is concerned, there is no specific allegation against the petitioner and no incriminating articles have been recovered from the conscious possession of the petitioners but the motorcycle used in the incident of dacoity and attempt to cause death of the informant belongs to the petitioner no. 1, namely, Md. Sarjit @ Md. Sarjil @ Mister.

7. Considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioners, let the above named **petitioner no. 2, namely, Md. Afroz Alam** and **petitioner no. 3, namely, Monu Khan @ Md. Azaj Khan** be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Daudnagar, Aurangabad in connection with Bandeya P.S Case No. 78 of 2024.

8. As far as, petitioner no. 1, namely, Md. Sarjit @ Md. Sarjil @ Mister is concerned, motorcycle used in the incident of dacoity and attempt to cause death of the informant belongs to the petitioner no. 1, namely, Md. Sarjit



@ Md. Sarjil @ Mister. Considering the aforesaid, this Court is not inclined to grant regular bail to the only **petitioner no. 1, namely, Md. Sarjit @ Md. Sarjil @ Mister.**

9. Hence, prayer for regular bail of the **petitioner no. 1, namely, Md. Sarjit @ Md. Sarjil @ Mister** is hereby rejected with liberty that petitioner No. 1 may renew his payer for regular bail before the Trial Court after completion of two years in custody.

(Ramesh Chand Malviya, J)

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