

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38722 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Sabaz Khan @ Shahbaz Khan @ Sahbaz @ Shahabaz Khan, S/O Reyazuddin
@ Reyazuddin Khan, R/O Village- Katalpur, P.S.- Baikunthpur, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Priyedarshi, Advocate Mr. Surya Prakash Singh, Advocate
For the State	:	Mr.Anil Prasad Singh, APP
For the Informant	:	Mr. Amrit Anand, Advocate Mr. Sagar Warsi, Advocate Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the Informant.

2. In the present case, the petitioner seeks bail in connection with Baikunthpur P.S. Case No. 117 of 2025 for the offences punishable under Sections 109/ 3 (5) of BNS and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner along with 4-5 unknown co-accused persons fired upon the vehicle of the informant in which the informant along with his associate had been travelling. The occurrence took place in the background of extortion demand by the petitioner from the manager of the restaurant of the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that no injury was caused to any one. If firing is made from one running car on the person sitting on another running car, it would be difficult to identify the assailant. Allegedly firing was made on the body of the car and, for this reason, no offence under Section 109 of BNS is made out against the petitioner as there was no attempt on the life of any person. Prior to lodging of the present case, the informant, his relatives and staff filed several cases against the petitioner. In Baikunthpur P.S. Case No. 302/2023 lodged by the present informant against this petitioner, the police submitted closure report. In another case i.e. Baikunthpur P.S. Case No.58/2023 lodged by the staff of the informant against the petitioner, the police submitted closure report. In Baikunthpur P.S. Case No. 134/2024, lodged by cousin's wife of petitioner against the petitioner and others, police exonerated the petitioner. In Baikunthpur P.S. Case Nos. 93/2025 and 115/2025, both have been lodged by the staff of the informant against the petitioner, considering the doubtful nature of the case, police has not issued any notice under Section 35 (3) of BNSS to the petitioner. The learned counsel further submits that the informant is on inimical



terms with the petitioner as his activities have been opposed by the petitioner and, in order to ruin the petitioner, false cases are being lodged by the informant. Further, the petitioner is witness in a case lodged by some other person against the informant. The petitioner is in custody since 28.03.2025 and charge sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that he along with other unknown co-accused persons fired upon the vehicle of the informant and spent cartridges were seized from the place of occurrence. The petitioner had been demanding extortion money from the manager of the informant and threatened him with life. The learned counsel further submits that the petitioner is having antecedent of a number of cases.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the absence of injury on any of the victims and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj, in connection with Baikunthpur P.S. Case No. 117 of 2025, subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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