

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44603 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- CHERKI District- Gaya

Shareef Khan S/o- Rashid Khan @ Md. Rashid Khan Village- Sagadih, P.S.-
Magadh University, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwari, APP

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

ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and Mr.
Nityanand Tiwari, learned APP for the State.

2. The petitioner seeks bail in connection with Cherki
P.S. Case No. 61 of 2025 instituted for the offence under
Sections 25(1-b)a, 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
one country made pistol, one country-made sixer, one empty
magazine, one live cartridge, ten empty cartridges and Rs.
9,500/- cash from the possession of the co-accused, namely,
Jaish Ali.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 30-04-2025. Petitioner
bears no criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to highhandedness of the police. Name of the petitioner has surfaced in this case in course of investigation on the basis of the confessional statement of the co-accused Jaish Ali recorded before the police which has got no evidentiary value in the eye of law. Except confessional statement of the co-accused, there is nothing adverse against the petitioner. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from either conscious/physical possession of the petitioner or from his house. Learned counsel next submits that police after investigation has already submitted charge sheet in this case. There is no compliance of Section 103 of the BNSS, 2023. Co-accused namely Md. Nazish Khan has already been granted bail by this Court vide order dated 27.08.2025 passed in Cr. Misc. No. 57866 of 2025.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no recovery from the petitioner's possession, charge sheet being



submitted, the petitioner having no criminal antecedent as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cherki P.S. Case No. 61 of 2025.

(Rudra Prakash Mishra, J)

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