

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48438 of 2025

Arising Out of PS. Case No.-140 Year-2025 Thana- GOPALPUR District- Gopalganj

Aaftab Dewan @ Aftab Dewan @ Aftab Sah S/O Sahab Raja Dewan @
Saheb Raja Dewan R/O Village - Ahirauli Dubauli, Tola Takia, P.S.-
Gopalpur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Tooba Hera, Advocate
	:	Mr. Pratyush, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Ms. Tooba Hera, learned counsel for the

petitioner and Mr. Raj Kishor Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gopalpur P.S. Case No. 140 of 2025, F.I.R. dated 23.05.2025 for the offences punishable under Sections 190, 191(2), 191(3), 121(2), 132, 109(1), 309(4) of the Bhartiya Nyay Sanhita, 2023.

3. As per the First Information Report, the informant alleged that during vehicle checking, a van was coming and seeing the police, vehicle turned and started fleeing. In course of chasing the police reached in front of a house. In the meantime,



some persons armed with weapons surrounded the police team with intention to kill them and assaulted the police officials and also snatched 9mm official pistol of the SHO.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that the present FIR is instituted against 60 named persons and more than 50-60 persons are unnamed and petitioner is named in the FIR. As per allegation in the FIR the petitioner snatched revolver of the informant. The allegation as alleged is false and fabricated. Infact the petitioner was not present at the place of occurrence and due to some ulterior motive, the petitioner has been implicated in the present case and apart from that the said revolver was recovered from the house of one Anwar Sah and in this regard, Gopalpur P.S. Case No.141/2025 dated 23.05.2025 was instituted. He further submits that in view of Gopalpur P.S. Case No.141/2025, no case is made out against the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and the allegation as alleged against the petitioner is not supported in view of the Gopalpur



P.S. Case No.141/2025, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Chief Judicial Magistrate, Gopalganj in connection with Gopalpur P.S. Case No. 140 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

