

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53031 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- KOTHI District- Gaya

Saba Khan @ Suhail Akhtar S/o Mano Khan @ Md.Amanullah Kha @
Amanullah @ Mano Kha R/o vill - Sehuli, P.S.- Amas, distt.- Gaya, Bihar
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Kothi
P.S. Case No-23 of 2025, dated-23.02.2025, registered for the
offences punishable under Sections 25(1-B)a, 26 and 35 of the
Arms Act.

3. As per allegation, three live cartridges has been
recovered from the possession of the Petitioner and one country
made pistol and three cartridges were recovered from the co-
accused, Pawan Shaw. However, the further case of the
prosecution is that the Petitioner along with other co-accused
were planning to commit dacoity.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the allegation of prepration for



dacoity is totally false and baseless. Even there was no recovery from the Petitioner. The whole seizure is without any compliance of rules and regulations as prescribed in the Criminal Procedure Code.

5. He further submits that the petitioner has been languishing in jail since 24.02.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Kothi P.S. Case No-23 of 2025 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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