

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57204 of 2025

Arising Out of PS. Case No.-167 Year-2022 Thana- RAJAON District- Banka

Md. Ashif @ Md. Ashiq Khan @ Hitlar @ Md. Asif S/o Ishmile Khan @
Ismail Khan Resident Of Village- Sajour, PS- Sajour, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Rajoun P.S. Case No. 167 of 2022, registered for the offences punishable under Sections 147, 148, 149, 323, 186, 332, 333, 307, 353, 504 and 506 of the Indian Penal Code.

3. Allegedly, on a tip of illegal sand mining, the police conducted raid under the leadership of Deputy Superintendent of Police. Noticing the police party, the tractor drivers tried to flee away with the loaded sand, however, the police party intercepted five tractors. In course of raid, the sand mafia and other accused persons assembled there and made indiscriminate firing. In retaliation, the police has also made some firing. The local people disclosed the name of the accused persons, who



were found involve in extracting money and illegal mining. The name of the petitioner has been disclosed as a supplier of the arms to the sand mafias.

4. Learned Advocate for the petitioner taking this Court through the FIR contended that admittedly the petitioner has not been found involve in any of the manner, as alleged in the FIR, save and except the allegation of supply of arms/weapons. The petitioner has nothing to do with the crime, in question, or supply of the weapons; besides, the speculation and suspicion, there is no materials suggesting the connection of the petitioner in the crime. The petitioner is a man of fair antecedent and in fact he was not even aware with regard to the implication of his name in this case and, as such, delay has occurred. He further submitted that even in the occurrence, none has sustained any injury and the petitioner has no concern with the seized tractors and the illegal mining.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the allegation, coupled with the absence of the materials, which shows any connection of the petitioner in the crime, in question,



as also the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 167 of 2022, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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