

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75069 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- VISHNUPAD District- Gaya

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Akib Khan S/O Late Shakil @ Shakil Khan Resident of Village- Majhauriya,
P.S.- Dumaria, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rampravesh Nath Tiwari, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Vishnupad Temple alias Vishnupad P.S. Case No. 131 of 2025
registered for the offences punishable under Sections 25(1)(b),
25(1)(a), 26 and 35 of the Arms Act.

3. As per prosecution case, one loaded pistol and
20 live cartridges were recovered from the possession of
apprehended co-accused Vinit Raj and he disclosed the name of
petitioner who supplied him the alleged 20 live cartridges.

4. Learned counsel for the petitioner submits that
except disclosure of the apprehended co-accused Vinit Raj,
there is nothing on record to demonstrate the complicity of the



present petitioner with the alleged occurrence. He further submits that petitioner was apprehended in Dumaria P.S. Case No. 38 of 2025 on 29.04.2025 and from that case he was remanded in the present case on 24.06.2025 i.e. after two months of occurrence and since then, he is in custody in the present case. He further submits that petitioner bears criminal antecedent of 7 cases and learned counsel orally submits that petitioner is on bail in six cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has been roped in one case after another without any basis in a routine manner. No incriminating article has been recovered from the possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the FIR.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that the name of the petitioner has been transpired in this case upon the disclosure of the apprehended co-accused Vinit Raj. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Vishnupad Temple alias Vishnupad P.S. Case No. 131 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he



shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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