

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3940 of 2026

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

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Akib Khan Son of Late Sakil Khan @ Late Shakil Khan @ Shakil Khan
Resident Of Village- Majhauriya @ Manjhauli Ps -Dumaria, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate
		Ms. Saobiya Mushtaque, Advocate
		Mr. Yasir Ashraf, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioner and 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 21-08-2025. Petitioner



bears seven criminal antecedents, 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. Name of the petitioner is disclosed by apprehended co-accused person. It is submitted that petitioner has no concern with the recovered arms. Nothing has been recovered from either conscious or physical possession of the petitioner. 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. Other co-accused has 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, claim based on parity and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, 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, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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