

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51517 of 2026

Arising Out of PS. Case No.-233 Year-2024 Thana- AMAS District- Gaya

Imroz @ Chhotu @ Mandakni @ Md. Imroz Alam @ Imroz Khan S/o Nasim
Khan, R/o Village- Shihuli, Police Station- Amas, District- Gaya Ji, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Raj Krishna Jha, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Anuj Kumar, Advocate
		Mr. Kumar Jay, Advocate
		Mr. Hazique Shams Ali, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Amas P.S. Case No. 233 of 2024 dated 24.07.2024, registered for the offences punishable under Sections 111, 109, 61(2) and 3(5) of the B.N.S., 2023 and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

3. As per the prosecution case, while a murder accused was being produced in the Court, four to five miscreants who were armed with pistol and *katta* opened fire upon him thereby causing injury to the said murder accused, namely Photo Khan and also to Police personnel. The Police personnel retaliated and two miscreants, namely Rahul



Upadhayay and Shahbaj Khan were apprehended and from their possession a pistol, country made *katta* and live cartridges were recovered. The apprehended co-accused persons, however, disclosed the name of three other co-accused persons who managed to flee as Siraj Siddiki @ Pali, Mehendi Hasan and Idani, who were also involved in the attack. The apprehended co-accused further disclosed the name of one Arif Khan and some other persons for being their accomplices, who were involved in orchestrating this attack. The name of the petitioner transpired during investigation for also being involved in the said occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The petitioner was not named by the co-accused persons who were apprehended from the spot and even during investigation they did not name this petitioner. However, the petitioner was named by the murder accused/victim Photo Khan after passage of four months of the alleged occurrence in his statement recorded by the Police. It is surprising that Photo Khan did not name this petitioner just after the occurrence when he was in a position to make the statement as he received fire-arm injury in his right hand and the statement



was also taken by the informant at the spot, but he did not say anything against this petitioner. Nonetheless, after lapse of four months under a deliberate thought out plan and in order to put pressure upon the family members of the deceased, Anwar Ali Khan, a very close person of the petitioner, the name of the petitioner has been intentionally disclosed. There is no material on record to show direct or indirect involvement of the petitioner in the present case. Learned counsel further submits that the co-accused persons, who have been named in the FIR have been granted bail by different learned co-ordinate Benches of this Court *vide* orders dated 19.04.2025, 25.08.2025, 10.04.2026, 20.04.2026 and 24.04.2026 passed in Cr. Misc. No. 4930 of 2025, Cr. Misc. No. 43805 of 2025, Cr. Misc. No. 76325 of 2025, Cr. Misc. No. 15774 of 2026 and Cr. Misc. No. 16320 of 2026 respectively. Learned counsel next submits that petitioner has also been made an accused in Amas P.S. Case No. 362 of 2024 registered under Sections 103(1) and 61(1) of the B.N.S., 2023 and Section 27 of the Arms Act, wherein the petitioner was not named in the FIR and his name sprung up in the confessional statement of the co-accused Dara Khan who is a close confidant of injured / victim Photo Khan. Learned counsel lastly submits that petitioner is in custody since



18.05.2026.

5. Learned A.P.P. appearing on behalf of the State as well as the learned counsel for the informant oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that the name of the petitioner came up in the statement of the injured Photo Khan with specific allegation of being an accomplice in the attack upon him. Learned counsel further submits that the petitioner has concealed his criminal antecedent as he has also been an accused in Chandausi P.S. Case No. 410 of 2024.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague, remote and doubtful nature of allegation against the petitioner and further considering his period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sherghati, Gaya / concerned Court, in connection with **Amas P.S. Case No. 233 of 2024**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The learned trial Court 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, i.e. he has more than one criminal antecedent, the learned trial Court 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 name of verification.

(Arun Kumar Jha, J)

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