IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76609 of 2026

CNR No. BRHC011090652026

Arising Out of PS. Case No.-103 Year-2026 Thana- DANDKHORA District- Katihar

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Sharukh Khan S/O Raju Khan Resident of Village/Mohalla- Driver Tola, P.S-Nagar, District- Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Dandkhora P.S. Case No. 103 of 2026 instituted for the offence under Sections 304(2) & 312 of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-b)a & 26 of the Arms Act.

3. The prosecution case, in brief, is that on 16.07.2026, the informant, while on night patrol, apprehended the accused persons, namely Mousim Khan and Shahrukh Khan (petitioner), who were found standing with a motorcycle on the road between Baurani Bridge and Sauriya and attempted to flee upon seeing the police. On search, a country-made pistol was

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recovered from the possession of accused Mousim Khan, and a mobile phone and the motorcycle bearing Registration No. BR39BB 0539 were seized, whereafter both accused were arrested for allegedly attempting to commit robbery by threatening passersby with a firearm.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.07.2026. Petitioner bears no 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. From perusal of the FIR, it would manifest that recovery of fire arms is made from the possession of co-accused and petitioner has no concern with the same. Nothing has been recovered from the conscious possession of the petitioner. Charge sheet has already been submitted in this case. There is no compliance of Section 103 of the BNSS, 2023.

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 and charge sheet being submitted, this Court is inclined to grant bail to the

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petitioner.

8. Let the petitioner be released on bail 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 Dandkhora P.S. Case No. 103 of 2026.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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