

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91345 of 2025

Arising Out of PS. Case No.-330 Year-2021 Thana- AMAS District- Gaya

Arif Khan @ Rehan Khan S/o Sheru Khan R/o vill - Hemjapur, P.S.- Amas,
Distt.- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Santosh Kumar Pandey
For the Opposite Party : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 19-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Amas
P.S. Case No. 330 of 2021, dated 04.12.2021, registered for the
offence under Sections 399/402 of the IPC and Section 25(1-
b)a/26/35 of the Arms Act.

3. As per the prosecution case, on a tip of information
that notorious criminal Armanullah Khan @ Photo Khan along
with his associates has assembled at the house of Salim Khan @
Sabbu Khan, the informant along with the police party
conducted raid at the house of Salim Khan, whereupon accused
Armanullah Khan @ Photo Khan and Pankaj Kumar @ Pankaj
Paswan were arrested from the spot and arms and cartridges
were recovered from their possession, while it is stated that the
apprehended accused persons disclosed the name of the



petitioner to have fled away from the place of occurrence.

4. Learned counsel appearing for the petitioner submits that, in fact, the petitioner has been made victim of the police atrocity. The petitioner was not arrested from the spot and moreover nothing has been recovered from the conscious possession of the petitioner and his name transpired on the basis of confessional statement made by the co-accused before police while in police custody, which has got no evidentiary value in the eye of law. The petitioner is in custody since 03.03.2025 and there is no progress in the trial. It is also submitted that although the petitioner is accused in altogether eight cases, but he is on bail in some of the cases and he undertakes to cooperate in the trial.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is an habitual offender and is accused in eight serious cases and although he was not arrested on the spot, but there was serious plan to commit dacoity and assemblage was at the house of co-accused for preparation of commission of dacoity.

6. Considering the facts and circumstances of the case, the period of custody and the fact that the petitioner was not arrested from the spot, let the, above named, petitioner be



released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class, Gaya, in connection with Amas P.S. Case No. 330 of 2021.

(Praveen Kumar, J)

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