

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 397 of 2026

(Arising out of Gopalganj P.S. Case No. 325 of 2026, registered U/S 317(5) of the B.N.S.)

In the matter of :-

Name of the petitioner	: Ajaj Khan.
F.I.R. U/S	: <u>317(5) of the B.N.S.</u>
Charge-Sheet U/S	: <u>317(5) of the B.N.S.</u>
Counsel for the Petitioner	: Shri Mustaque Azam, ld. Adv.
Counsel for the State	: Shri Deo Vansh Giri, ld. P.P.

O R D E R

17-06-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 30-03-2026, in connection with Gopalganj P.S. Case No. 325 of 2026, registered U/S 317(5) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on 28-03-2026 at about 22:05 pm, informant Fharukh Khan, who happens to be the A.S.I. of Gopalganj (Town) P.S. along with police party proceeded for night patrolling. During the course of patrolling, informant along with police arrived at Hajiyapur pond and saw that one persons is coming by taking good of iron, who was caught by the police along with one water motor and plastic pipe. On interrogation, apprehended persons disclosed his name as Ajaj Khan (petitioner) and when he was asked about the recovered water motor and plastic pipe, accused-petitioner disclosed that the recovered goods is stolen one. Accordingly, seizure-list was prepared and accused-petitioner was caught by the police.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner bears two criminal antecedent. It is further submitted that there is no independent witness of seizure-list whereas the place of occurrence is under densely populated place. It is further submitted that petitioner is forwarded in this case on mere suspicion. It is lastly submitted petitioner is in custody since 30-03-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it

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transpires that petitioner is named in the F.I.R., who was caught by the police along with stolen water-motor and plastic pipe. Informant and witnesses at para-03, 04, 05 and 06 of the case diary have repeated the version of the prosecution and witnesses are official witnesses. Para-14 of the case diary shows that petitioner has got two criminal antecedents. From perusal of para-24 of the case diary, it appears that after completion of investigation against the petitioner, Charge-Sheet No. 335/26 dated 31-03-2026 has been submitted and cognizance has also been taken against him. The trial will take considerable time. In the entire case diary, there is no T.I.P. conducted by the police of recovered articles. The petitioner appears to be in custody since 30-03-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of this case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below **subject to conditions that petitioner shall be released only after framing of charge with further condition that one of the bailors shall be close relative of the petitioner and one shall be local further condition that he will file an undertaking that he will cooperate in the investigation or trial and he will not temper with the evidence.**

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

(Dictated)

(Geeta Gupta)
Principal Sessions Judge, Gopalganj.