

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50072 of 2016

Arising Out of PS.Case No. -471 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Md. Afsar S/o Md. Wali Resident of Village- Maraiya, P.S. Maraiya
(Parbatta), District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Pandey, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-12-2016 Learned counsel for the petitioner has filed a
supplementary affidavit, which is taken on record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
01.08.2016 in connection with Khagaria (Mufassil) P.S. Case No.
471 of 2016 registered for the offence punishable under Sections
25(1-AA) and 26(i) of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on secret information, informant reached near
Rahimpur – Sonbarsa Dhala and found four persons with some
articles in the bag, who seeing the police tried to flee away, but
were apprehended. Petitioner was found to be possessing three



pistols with three magazines and the other accused persons also possessed pistols and cartridges. Accordingly, seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He submits that the petitioner has no criminal history, although in paragraph 28 of the case diary, it has come that the police on investigation found no person with the name of the petitioner, instead they found that one Md. Afsar @ Rahul, son of Jahangir, resident of Itahri, P.S. Gogri, District Khagaria has criminal antecedent.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 471 of 2016, subject to the



condition that one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of the concerned police station and that petitioner will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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