

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51545 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -TATARPUR District- BHAGALPUR

=====

Md. Tarique @ Md. Tarikh son of Md. Tahir Resident of Mohalla -
Hussainpur, Police Station - Mojahidpur, District - Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party : Mr. Binod Kumar 3, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-12-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in judicial custody since
28.03.2016 in connection with Tatarpur P.S.Case No.37 of 2016
for offence alleged under Sections 25(1-b)(a), 26 and 35 of the
Arms Act.

The prosecution case as lodged by the police personnel
is that during checking they went to Asanandpur Mohalla and
found two persons fleeing away. On being apprehended pistol
with loaded cartridge was recovered from the possession of the
petitioner as well as the other accused. Accordingly, a seizure list
was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that chargesheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He further submits that another co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr.Misc.No.43473 of 2016 dated 18.10.2016 on similar allegations.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and the period of custody of the petitioner, 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 ACJM-7th, Bhagalpur in connection with Tatarpur P.S.Case No.37 of 2016 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the



event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Nilu Agrawal, J)

B.Kr./-

U		T	
---	--	---	--

