

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42232 of 2017

Arising Out of PS.Case No. -50 Year- 2017 Thana -NAWADA MUFFASIL District- NAWADA

=====

Aas Mohammad @ Bablu, Son of Late Lal Mohammad, Resident of
Village- Mirzapur Bardha, P.S.- Muffasil, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.04.2017 in connection with Muffasil P.S. Case No. 50 of 2017
for offences punishable under Sections 25 (1-b)a/26 of the Arms
Act.

The prosecution case, as lodged by the police
personnel, is that during course of vehicle checking on the
National Highway the petitioner was apprehended along with the
bag containing 10 country made loaded pistols. Accordingly, a
seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, no overt act has been committed by
him and that the provisions of Sections 99 and 100 of the Cr. P.C.



has not been complied as the occurrence took place on the national highway and the witnesses are only the police personnel. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that as many as 10 country made loaded pistols were found from the possession of the petitioner and that the petitioner does not have a clean antecedent and as many as two cases of similar nature are pending against him.

Considering the facts and circumstances and the materials on record as well as the period of custody, let petitioner, above named, be enlarged 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 Chief Judicial Magistrate, Nawada in connection with Muffasil P.S. Case No. 50 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his



relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The petitioner will also appear before the concerned police station in the first week of every month till six months, failing which, his bail bonds will be cancelled.

(Nilu Agrawal, J)

Devendra/-

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

