

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No 52698 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -SONPUR RAIL P.S. District- SARAN

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Md Khurshid, son of Md Wakil, resident of Village – Rampur Saidpur,
Police Station – Matihani, District - Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ajay Kumar Tiwary, Advocate

For the S t a t e : Mr Satyavarat Verma, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered under
Section 393 of Indian Penal Code and Sections 25 (1-b)a/26/35 of
the Arms Act.

It is alleged that three persons came to hire the
informant's vehicle at the Hajipur Railway Station. On finding
their activities suspicious, the informant raised an alarm. They
were apprehended and from one of the persons, one country made
pistol and two live cartridges were found. Counsel for the
petitioner submits that nothing has been recovered from the
possession of the petitioner and that he has falsely been implicated
in this case. It is submitted that prior to the instant case, there is
no criminal antecedent against the petitioner and that he was a



bona fide passenger and was apprehended by the police. It is further submitted that recovery of country made pistol and two live cartridges are attributed to co-accused Bipul Kumar.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate (Railway), Sonapur, District – Saran in Sonapur (Hajipur) Rail Police Station Case No 59 of 2017 subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(iii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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