

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75504 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- SIWAN MUFFASIL District- Siwan

Irshad Ansari, Son of Ma. Haider Ansari @ Haidar Ali, Resident of Village- Sultanpur, P.S.- Ander, District- Siwan at Present Nawalpur, P.S. Siwan (T), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr. Sri Manoj Kumar – 1 (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2018 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Muffasil P.S. Case No. 37 of 2018 registered for the offences punishable under Sections 399, 402, 413, 34 of the Indian Penal Code Section 25(1-b)/a/26/35 of Arms Act.

Allegation against petitioner is recovery of one country made pistol with one live cartridge from his possession.

It has been submitted that earlier petitioner has filed an application for grant of bail which was allowed with a condition that petitioner will be released on bail after framing of charge. However, it has been submitted on behalf of the petitioner that due to non-appearance of other co-accused at the time of framing of charge, charges could not be framed and without any of his fault he is being kept in prison although



earlier bail was granted to him.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan, in connection with Muffasil P.S. Case No. 37 of 2018, subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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