

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58096 of 2018

Arising Out of PS.Case No. -71 Year- 2018 Thana -PHULWARISHARIF District- PATNA

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1. MD. ARSHAD @ MD. SADAB @ SADAB, S/o Md. Akil, R/o Mohalla-Nausa Phulwarisharif, P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Mukesh Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 01.02.2018 in connection with Phulwarisharif P.S. Case No. 71/2018 registered for the offences punishable under Sections 414 of the Indian Penal Code and Section 25(1-B)a26/35 of the Arms Act.

Learned counsel for the petitioner submits that the alleged recoveries of one loaded magazine having five cartridges and a small mobile phone was recovered from the conscious possession of the petitioner and the mobile phone was one which belongs to himself whereas cartridges are alleged to have been planted on him. It is further submitted that the seizure-list was prepared later after taking signature of the independent witnesses.



Learned counsel for the petitioner submits that in the present case, he has already been in custody for nearly seven months and in cases which were registered against him earlier, he has already been extended the privilege of bail but only because of his criminal past, he has been implicated in connection with the present case.

In view of the aforementioned facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XV, Patna, in connection with Phulwarisharif P.S. Case No. 71/2018, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) 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 reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if



not already concluded, and make himself available as
and when so required and in case of failure, the State
shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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