

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.32429 of 2018**

Arising Out of PS. Case No.-50 Year-2018 Thana- SARAI District- Vaishali

MD. SAHEB ALAM @ SAHEB ALAM S/o Md. Tubail @ Md. Tufail, R/o  
Vill.- Meenapur, P.S.- Hajipur Town in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar  
For the Opposite Party/s : Smt. Sharda Kumari

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      12-07-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in connection with Sarai P.S.  
Case No. 50 of 2018 for offences punishable under Sections  
399, 402, 414, 120B of the Indian Penal Code and Sections  
25(1-b)a, 26(ii) and 35 of the Arms Act.

The prosecution case, as lodged by the police  
personnel, is that on information that some miscreants have  
assembled near Dhaba Line Hotel of Bhola Singh, the police  
conducted a raid and apprehended eight persons. All the  
apprehended persons possessed arms and ammunition and from  
the possession of the petitioner one loaded country-made pistol  
and one live cartridge was recovered. 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 submits that no overt act has been committed, petitioner is languishing in judicial custody since 31.03.2018, 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 the petitioner is involved in two more cases after lodging of the present F.I.R., one under the Arms Act.

Considering the facts and circumstances and the materials on record, 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, Vaishali at Hajipur in connection with Sarai P.S. Case No. 50 of 2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



- (ii) 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.
- (iii) 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.

**(Nilu Agrawal, J)**

Rajesh/Pragya

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