

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38134 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- BANGRA District- Samastipur

Md. Faiyaz @ Md. Faij, son of Md. Sohel, resident of Village Bhagwanpur
Khajuri P.S. Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Opposite Party/s : Smt. Sharda Kumari

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 06-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Bangara
(Samastipur) P.S. Case No. 12 of 2018 for offences punishable
under Sections 414/34 of the Indian Penal Code and 25 (1-B)(a),
26 and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that during night patrolling on secret information
the Bolero car, which was being driven by the petitioner, was
intercepted and the petitioner was apprehended while fleeing
away from the car while another co-accused managed to flee
away. On his tip off five other co-accused were apprehended
and from the possession of Md. Iftikhar one country-made pistol
and three live cartridges were recovered, who also confessed
that all of them are vehicle thieves. Accordingly, a seizure list
was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that he was just the driver of the vehicle belonging to one Manoj Kumar, charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that no firearm has been recovered from his possession, hence, provision of the Arms Act is not maintainable against him. The petitioner is languishing in custody since 19.02.2018.

However, learned APP for the State opposes the prayer for bail.

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 Additional Chief Judicial Magistrate- 5th, Samastipur, in connection with Bangara (Samastipur) P.S. Case No. 12 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) 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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