

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63426 of 2017

Arising Out of PS.Case No. -210 Year- 2017 Thana -MAUZAHIDPUR District- BHAGALPUR
=====

1. Md. Imtiyaz, son of Late Md. Feku @ Fakruddin, resident of Mogalpora,
Hussainabad, Police Station- Mojahidpur (Babarganj), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Sri Dilip Kumar
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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 15-01-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mojahidpur (Babarganj) P.S. Case No.210 of 2017 registered for
the offences punishable under Sections 353, 307, 308/34 of the
Indian Penal Code and Sections 25(1-b)a, 26, 27 and 35 of the
Arms Act.

On secret information regarding unlawful assembly of
some miscreants, the informant rushed there and apprehended
this petitioner after some chase. The informant allegedly seized
country made loaded firearm from possession of the petitioner.

It has been submitted that neither the petitioner was



apprehended at the place of occurrence nor any incriminating material has been recovered, which is apparent from the seizure list. The petitioner is in custody since 08.08.2017. It further appears that the seizure list does not bear the signature of any independent witness rather the same has been signed by police constable.

The learned A.P.P. for the State opposed the submission.

Considering the facts and circumstances of the case, the prayer of bail is allowed. The petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No.210 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) If the petitioner is found involved in future in similar type of allegation, the prosecution will have liberty to move for cancellation of bail.
- (iv) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court



below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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