

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6948 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- SIMRA District- West Champaran

KHURSHID ALAM , (Male) aged about 29 years, Son of Jalil Miya Resident of Village - Chiutaha, Ward No.13, P.S.- Chiutaha O.P. (Semra), District- West-Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore (App100)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-02-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Semra P.S. Case No. 137 of 2018 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 25(1-B) a, 26, 35 of the Arms Act.

Informant has alleged that while he was performing his duty of vehicle checking he signaled one motorcycle to stop and from the possession of person who was riding the motorcycle namely Chandan Kuamr one pistol loaded with two live cartridge were recovered. Allegation against petitioner is recovery of one mobile from his pocket.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. No incriminating articles has been recovered from the possession of the petitioner. Similarly placed co-accused has been granted bail by this court vide order dated 15.02.2019 passed in Cr. Misc. No. 79565 of 2018. Petitioner is in custody since 29.10.2018.

Considering the aforesaid facts 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 Judicial Magistrate, 1st Class, Bagaha, in connection with Semra P.S. Case No. 137 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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