

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12775 of 2019**

Arising Out of PS. Case No.-355 Year-2018 Thana- BIHARSHARIF District- Nalanda

MD. SONU @ MD. JAFAR Son of Hamid Driver Resident of Village-
Pahadpur(Badhi Dargah), P.S.-Bihar District-Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 04-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 399 and 402 of the
Indian Penal Code and under Section 25(1-b)A, 26 and 35 of the
Arms Act.

Allegation is of recovery of one loaded country
made pistol, one live cartridge and one mobile from the
possession of petitioner.

It has been submitted on behalf of the petitioner
that he is innocent and has been falsely implicated in this case.
Nothing has been recovered from his possession. He is in



custody since 04.08.2018.

Considering the recovery of firearms from the possession of petitioner and petitioner has antecedent of similar nature, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing one year of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Bihar P.S. Case No. 355 of 2018**, with following condition:-

(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 the Court and his absence on two consecutive dates without sufficient reason, 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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