

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1616 of 2019

Arising Out of PS. Case No.-51 Year-2018 Thana- GOGRI District- Khagaria

Md. Jafar, Son of Samsuddin Resident of Village- Muskipur, Rasalpur, P.S.-
Gogari, District- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
For the Opposite Party/s : Mr. Narsingh Tanti. A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 01-04-2019 Heard learned counsel for the parties.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Sections 25 (1-b)A, 26(1), 29
and 35 of the Arms Act.

Informant who is a Police Officer has stated that on
22.02.2018, S.H.O. of Zeromile O.P. of District Begusarai along
with S.H.O. of Pasraha and other police personnel told him that
two arms smugglers including petitioner were apprehended at
Zeromile and out of them petitioner Md. Zafar disclosed that
arms and tools for manufacturing arms have been kept in his
house and on such disclosure informant along with other police
personnel raided said house and recovered one country made



pistol loaded with empty cartridge from the possession of Md. Waseem and ten country made pistols from the possession of Md. Rakimuddin.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to ulterior motive. Nothing has been recovered from his possession. There is no incriminating material against petitioner. He is in custody since 07.03.2018.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Gogari P.S. Case No. 51 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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