

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78090 of 2018

Arising Out of PS. Case No.-367 Year-2018 Thana- PATLIPUTRA District- Patna

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Md. Azad S/o Md. Chhotu , R/o Gate No. 64 Kurji, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr.Nityanand Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 08-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Patlipurta P.S. Case No. 367 of 2018 registered for the offences punishable under Sections 353, 307/34 of the Indian Penal Code and under Section 25(1-B) a, 26 and 35 of the Arms Act.

Informant who is a police officer has alleged in his written statement that on 25.08.2018 when he was on patrolling duty, he heard sound of firing thereafter he reached there and saw one person having pistol in his hand running on the road, with the help of other police personal they caught the petitioner and recovered 9 m.m. loaded pistol from his possession.

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. He has no criminal antecedent



and he is in custody since 27.08.2018.

Considering the nature of allegation against petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected at this stage.

However, **after Six months of judicial custody the petitioner shall be enlarged on bail** by the court below on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri R.K. Singh, learned Sub-Judge-XII-cum-A.C.J.M., Patna, in connection with Patliputra P.S. Case No. 367 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 their 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.

Accordingly, this Criminal Miscellaneous is here by disposed of.

(S. Kumar, J)

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