

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46173 of 2019**

Arising Out of PS. Case No.-93 Year-2019 Thana- PATAHI District- East
Champaran

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MD. KASIM @ BHOLA @ BHOLA RAI @ KASHIM RAI @ RASHIM RAI, aged
about 28 years, male, Son of Sainullah Rai Resident of Village-Belahiram
Mirzapur, Police Station-Patahi, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 26-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 353, 224, 225 of the Indian Penal Code
and Section 25(1-b)a, 26, 35 of the Arms Act registered in
connection with Patahi P.S. Case No. 93 of 2019.

3. It is submitted that the petitioner has been falsely
implicated merely on the information supplied by the choukidar
that petitioner along with co-accused Md. Mustafa are dancing at
a wedding with rifles in their hands. In any event there is no
allegation of any criminal force being resorted to by the
petitioner and as such the provisions of Section 353 IPC are not
made attracted. No one has been injured nor any recovery of
arms has been made from the conscious possession or house of
the petitioner who claims clean antecedents.

4. Be that as it may, in the event of the petitioner's
arrest or surrender before the court below within six weeks from



the date of communication of this order, let the above named petitioner 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 Additional Chief Judicial Magistrate-VIII, Motihari, East Champaran in connection with Patahi P.S. Case No. 93 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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