

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57775 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- CHAUTHAM District- Khagaria

Md. Gulsad @ Gulsad S/o Md. Shamsad R/o village- Mohanpur Tola, P.S.-
Choutham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends his arrest in connection with
Choutham P.S. Case No. 5 of 2019 registered for the offence
punishable under Sections 25(1)a, 25(1-B)a, 26, 35 of the Arms
Act.

Two persons, namely, Devesh Kumar Sharma and
John Wright were apprehended with unnumbered motorcycle
and from possession of Devesh Kumar Sharma, one country
made pistol was recovered. Said Devesh Kumar Sharma
disclosed that he had purchased the aforesaid firearm from Md.
Tanbir at the house of the petitioner.

It is submitted by learned counsel for the petitioner



that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with seized firearm or with any of the accused persons. There is nothing on record indicating complicity of the petitioner in the occurrence barring the disclosure made by co-accused Devesh Kumar Sharma due to animosity. Petitioner has no criminal antecedent. Md. Tanbir @ Tanbir Alam has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 7.03.2019 passed in Cr. Misc. No. 14088 of 2019.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Khagaria in connection with Choutham P.S. Case No. 5 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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