

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13165 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- SIWAN CITY District- Siwan

HARISH @ MOHAMMED HARISH ALI KHAN Son of Mohammed Ali Khan @ Mod. Ali Khan Resident of Village - Machagara, P.S.- Bhagwanpur Hat, District- Siwan. At present residing at H/O - Zainuddin, Chamra Mandi, P.S.- Sarai O.P., District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP
Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and the learned APP appearing for the State.

The petitioner seeks regular bail in connection with Siwan Town/ Siwan Nagar P.S. Case No. 23 of 2020 for the offence punishable under Sections 25(1-b)(a)26, 35 of the Arms Act.

The informant, who is ASI of Sarai outpost, is stated to have been on night patrolling on the alleged date and time of incident, whereupon some miscreants were apprehended and bodily search was made. As far as the petitioner is



concerned, upon search by the police, one country made pistol, one live cartridge and one mobile was recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and is languishing in custody since 13.01.2020. It is further submitted that no allegation has been made regarding commission of any crime by the petitioner herein.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case as also the submissions made by the learned counsel for the petitioner and taking into the fact that the petitioner is having a clean antecedent and is languishing in custody since about five months, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Siwan Town/ Siwan Nagar P.S. Case No. 23 of 2020.

(Mohit Kumar Shah, J)

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