

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23557 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- KUMAR KHAND District- Madhepura

MD. AZIM Son of Md. Abbas Resident of Village - Tikulia, Ward No. 09,
P.S.- Kumarkhand, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

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

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Kumarkhand P.S. Case no.



251 of 2019 instituted for the offence under Section(s) 25(1-B)a,26 of the Arms Act.

The prosecution case is that on secret information, the police have gone to a culvert where the petitioner was stated to be present. Alleged recovery of country made pistol and cartridge apart from Rs. five thousand cash is attributed from the petitioner.

It is submitted by the petitioner's counsel that it is a case of false implication. The arms have been planted. There is no compliance with Section 100 Cr.P.C. Upon his arrest, in the instant case, he has also been remanded in two other cases, as per details, mentioned in para 3 of the bail petition. Prior to the instant case, there is no case pending against the petitioner.

Petitioner is in custody since 27.12.2019.

The learned APP opposed the prayer by submitted that there is recovery of arms from the petitioner.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the CJM Madhepura, in connection with Kumarkhand P.S. Case no. 251 of 2019. subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U			
---	--	--	--

