

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85074 of 2019

Arising Out of PS. Case No.-179 Year-2019 Thana- KASBA District- Purnia

MD. ASGAR @ SAFIQUE Son of Md. Mahboob Resident of Village - Zero Mile,
Gulab Bagh, P.S.- Sadar, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-01-2020 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in **Kasba P. S. Case No. 179 of 2019** instituted for the offence under Section(s) 399, 402 of the Indian Penal Code and Section 25(1-b)A and 26/35 of the Arms Act.

It is the prosecution case that while the police were engaged in patrolling they have stopped a vehicle on suspicion. From the said vehicle, some persons have been apprehended whereas some succeeded to flee away. The petitioner has been arrested and from his possession one blue Samsung Mobile phone has been recovered.

It is submitted that recovery of firearm as alleged has been made from possession of other co-accused persons. The petitioner was in *bona fide* possession of the mobile phone which belongs to him. He has no criminal antecedents and is in



custody since 09.09.2019. The other accused person, viz., Md Najim @ Md. Najib has been allowed bail in Cr. Misc. no. 79922 of 2019 from whom two mobile phones have been recovered.

The learned APP for the State opposed the prayer for bail.

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 **Chief Judicial Magistrate Purnea**, in connection with **Kasba P. S. Case No. 179 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)

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