

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15255 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- BALRAMPUR District- Katihar

Md. Hasim Son Of Md. Makbool Resident Of Village- Rajagarh Pelapur, P.S.-
Balrampur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sanjay Kr. Tiwari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Balrampur P.S.
Case No. 37 of 2020 registered for the offence punishable under
Sections 25 (1-b) a, 26 of the Arms Act.

As per the prosecution case, on search by the informant one
country made pistol and two live cartridge, two pairs of silver payal,
cash of Rs. 4800/-, Adhaar Card upon which name of *Jai Prakash*
Sah was mentioned were recovered from the house of the petitioner.
It is alleged that on query petitioner did not produce any documents
regarding the said recovered articles.



It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that police apprehended this petitioner in Barsoi (Sudhani O.P.) P.S. Case No. 32 of 2020 though he was not named in the said case and it is alleged that for verification of the facts disclosed by this petitioner in his confessional statement police raided his house and recovered the alleged articles. He submits that in the F.I.R., S.H.O. has mentioned that the said arms and other articles have been seized in connection with Barsoi (Sudhani O.P.) P.S. Case No. 32 of 2020. He further submits that there is a violation of provisions of Section 100 (4) Cr.P.C. while preparing the seizure list. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has six criminal antecedents as has been mentioned in para 3 of this bail petition and he is languishing in custody since 19.03.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Balrampur P.S. Case No. 37 of 2020 subject to the following conditions:

(1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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