

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18905 of 2021**

Arising Out of PS. Case No.-240 Year-2020 Thana- RAJAON District- Banka

MD AZIZ @ ABDUL AZIZ S/o Late Md. Hakim @ Abdul Hakim R/o
village- Harna Bujurg, P.S.- Nawada, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-07-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in a case
registered for the offence punishable under sections 399, 402 of
the Indian Penal Code and various sections of the Arms Act.

As per prosecution case, three miscreants riding on
motorcycle were apprehended and on search firearms and live
cartridges were recovered from their possession and they
disclosed the name of the petitioner as one of their associates
and said that with the help of this petitioner and others they
were making plan to loot from a truck driver.

It is submitted on behalf of the petitioner that the
petitioner is not named in the FIR. Petitioner has been



implicated in this case on suspicion. No arm or ammunition has been recovered from the possession of the petitioner. The only material which has come during course of investigation that the arm which was recovered from the possession of co-accused Shankar Prasad Singh was sold by this petitioner. Co-accused Shankar Prasad Singh has already been granted bail by a coordinate bench of this court vide order dated 25.03.2021 passed in Cr. Misc. no. 5299/2021. Petitioner has got clean antecedent and is in custody since 28.08.2020.

Learned counsel for the State opposes the prayer for bail.

Considering the rival submissions and materials on record, this bail application is allowed. Let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Rajoun (Nawada O.P.) P.S. Case no. 240/2020 on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

s.hassan/-

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