

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 15216 of 2021

Arising Out of PS. Case No.-331 Year-2020 Thana- GOGRI District- Khagaria

1. MD. MAHBOOB Son of Abu Ahmad Resident of Village- Near Gogri Fakrana Iiedgah/ Dargaj, Police Station- Gogri, District- Khagaria.
2. Abu Ahmad Son of Abdul Rajjak Resident of Village- Near Gogri Fakrana Iiedgah Dargaj, P.S.- Gogri, District- Khagaria.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arshad Jameel Hashmi

For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

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.

At the very out set, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1 - Md. Mahboob submitting that petitioner no.1 has been declared minor.

Permission is granted.



Accordingly, this bail application in respect of petitioner no.1- Md. Mahboob is dismissed as withdrawn. Hence, this bail application is only in respect of petitioner no.2.

The petitioner seeks bail in a case registered for the offence punishable under Section 25 (1-b)a/26/35 of the Arms Act.

The allegation against the petitioner is that he along with other co-accused is said to have made theft in a shop.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He was not apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the seizure list does not bear the signatures of the family members of the house of the petitioners, except the Hawaldar and constable who are the members of the raiding party and the same is also against the provisions of law. There is nothing in the record indicating the complicity of the petitioner in the occurrence. The petitioner has been languishing in custody since 08.09.2020.



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 Gogri P.S. Case No.331 of 2020.

(Anjani Kumar Sharan, J)

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