

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20493 of 2021**

Arising Out of PS. Case No.-338 Year-2020 Thana- GAYA KOTWALI District- Gaya

MD. JAKIR @ MONTY SON OF MD. YAKUB RESIDENT OF
MOHALLA- JAMA MASJID, PURAB SARAI, POLICE STATION-
KOTWALI AND DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 21-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 399 and 402 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act.

As per the prosecution case, on receiving information about accused persons having gathered to give effect to an occurrence, it is stated that on a raid being conducted the petitioner was caught and a country made pistol and live cartridges were recovered from his possession.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession. He has been falsely implicated in the case because of his antecedents. He is in custody since 19.9.2020 and charge sheet has been submitted in the case.

Heard learned APP for the State who submits that the



petitioner is an accused in as many as seven cases from before.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 269 of 2020/35 of 2020 (arising out of Kotwali P.S. Case no. 338 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge X, Gaya.

It is directed that the petitioner shall co-operate in the trial and in case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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