

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24149 of 2021

Arising Out of PS. Case No.-15 Year-2020 Thana- KHAJAU LI District- Madhubani

Md Gaffar, S/O Md Hussain @ Md. Hasim @ Hasin R/o village- Khajauli,
P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the State	:	Smt. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 04.02.2020 seeks
bail in connection with Khajauli P.S. Case No.15 of 2020
registered for offence punishable under Sections 411, 420, 34 of
the IPC and 25 (1-b)a/26/35 of the Arms Act.

As per allegation made in the FIR, a loaded country
made pistol and two live cartridges are stated to have been
recovered from the house of one co-accused Md. Chand. It is
further stated that on the information gathered from the
petitioner and affirmed by the said co-accused Chand, raid was
conducted at various places and stolen vehicles/articles were



recovered from the accused persons. It has further been alleged in the FIR that all the accused persons had admitted that they are engaged in theft of vehicle in an organized manner.

Learned counsel appearing on behalf of the petitioner submits that allegations as levelled in the FIR are false and concocted. Petitioner has falsely been implicated in this case just because he has been made accused in several cases as stated in paragraph no.3 of this application relating to Bububarhi P.S. Case No.15/2020, Bububarhi P.S. Case No.236 of 2019, Ladaniya P.S. Case No.6 of 2020. Learned counsel appearing on behalf of the petitioner further submits in all the above case he has been enlarged on bail. So far as the present case is concerned nothing has been recovered from the conscious possession of the petitioner. He further submits that other co-accused Md. Chand has already been released on bail vide order dated 06.04.2021 passed in Cr. Misc. No.40939 of 2020.

The learned court below is directed to ascertain the crime history of the petitioner and on being satisfied, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Madhubani in connection



with Khajauli P.S. Case No.15 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(Purnendu Singh, J)

Prakash Narayan /-

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