

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29559 of 2021

Arising Out of PS. Case No.-380 Year-2020 Thana- FALKA District- Katihar

MD. SIRMAN @ SIRMAN Son of Late Abdul Jalil Resident of Village -
Basantpur Ward No.45, P.S.- Purnea Sadar, Dist.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-11-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Falka
(Pothiya) P.S. Case No. 380 of 2020 registered for the offence
under Sections 413, 44 and 34 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

The case relates to recovery of one country made
pistol along two live cartridges and one mobile phone.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, nothing has been recovered
from the conscious possession of the petitioner. Moreover,
the co-accused, namely, Mohd. Mustaque, having more of



less similar allegation, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.08.2021 passed in Cr. Misc. No. 28800 of 2021. The petitioner is rotting in judicial custody since 28.11.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Katihar in connection with Falka P.S. Case No. 380 of 2020 with 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.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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