

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29760 of 2021**

Arising Out of PS. Case No.-666 Year-2020 Thana- KHAJANCHI HAT District- Purnia

SK. ANWAR S/O LATE SK. ABID R/O CHARAN PAUL LANE, P.S.-
TOPSIA, DISTRICT-KOLKATA (WEST BENGAL).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Hussain

For the Opposite Party/s : Mr. Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 20-12-2021 Heard learned counsel appearing on behalf of petitioner
and learned A.P.P. for the State.

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

The petitioner, who is in custody since 02.12.2020, seeks
regular bail in connection with K. Hat (Sahayak) P.S. Case No. 666
of 2020, for the offence punishable under Sections 25(1-B)a, 25(1-
aa) 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on the basis of
information given by one Amit Kumar, Officer-in-Charge, K. Hat
(Sahayak) Police Station, a search of passengers, boarded in bus, was
made. In course of search, 11 country made pistol and two tickets of
Atiyan Travels, one mobile phone recovered from the possession of
Md. Rijwan and two mobile phones some cash and Aadhar card was
recovered from the possession of petitioner.

Learned counsel appearing on behalf of the petitioner



submits that petitioner has falsely been implicated in this case as registration number of bus has not been mentioned in which petitioner and one Md. Rijwan was found sitting. He further submits that petitioner has been implicated in this case on the basis of ticket, which was recovered from co-passenger Md. Rijwan, at best, he was said to be accomplice, however, nothing has been recovered from the possession of the petitioner and so called mobile and Aadhar card relates to the petitioner as such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for bail and submits that petitioner was accompanying the co-accused Md. Rijwan from whose possession, 11 country made pistols were recovered, which shows that petitioner and said Md. Rijwan are involved in illegal trade of arms in the State of Bihar, which is not good in public interest. It is also apparent from the F.I.R., itself, that they belong to West Bengal and their complicity in the occurrence cannot be ruled out as such petitioner does not deserve bail.

Considering the facts and circumstances of the case, prima facie it appears that nothing has been recovered from the possession of the petitioner, but he has been found to be one of the accomplice. The petitioner be released, after verifying the criminal antecedent from the Superintendent of Police under whose jurisdiction Topsia Police Station, district-Kolkata (West Bengal) falls and upon being satisfied with the report that the petitioner has no criminal antecedent, as specific statement has been made in paragraph No.03



of the petition, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 666 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

