

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.32596 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- DUMRAO District- Buxar

MD. MITTHU HASAMI @ ASHRAF Son of Md. Asgar Hasami Resident of
Ward No.-16, Nalband Toli, Dumraon, P.S. - Dumraon, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 17-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dumraon Police Station Case No. 22 of 2021, registered for the
offences punishable under Sections 399/402 of the Indian Penal
Code and Sections 25(1-b)a/26/35 of the Arms Act.

The allegation, as per the First Information Report, is
that the police got a secret information that some accused
persons have assembled in the campus of pipe factory and were
planning to commit crime, proceeded towards the place of
occurrence and upon seeing the police, they started fleeing
away, however, the police arrested the accused persons,



including the petitioner and recovered fire arms from the possession of some of the accused persons.

Learned Counsel for the petitioner submits that from perusal of the seizure list, it would be evident that no incriminating material and/or fire arm has been recovered from the possession of the petitioner. He further submits that the petitioner has got no criminal antecedent and he is in custody since 14.01.2021 and charge sheet has been submitted against the petitioner and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner has got no criminal antecedent, charge sheet has already been submitted, no incriminating article and/or fire arm has been recovered from the possession of the petitioner and the petitioner is in custody since 14.01.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, Md. Mitthu Hasami @ Ashraf, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Buxar, in
connection with Dumraon Police Station Case No. 22 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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