

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32194 of 2020

Arising Out of PS. Case No.-49 Year-2020 Thana- BARURAJ District- Muzaffarpur

Md. Sahjad, aged about 22 years, (Male), son of Md. Habib, resident of Village Bara Govind, P.S.-Chakiya, District -East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate with Ms. Vaishnavi Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-01-2021

Heard Mr. Ajay Kumar Thakur, learned counsel along with Ms. Vaishnavi Singh, learned counsel, for the petitioner and Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Baruraj PS Case No. 49 of 2020 dated 05.04.2020, instituted under Sections 399/402/414 of the Indian Penal Code and 25(1-B) (a)/26/35 of the Arms Act.

3. The allegation against the petitioner is that on secret information that criminals were planning to commit crime, when the police reached and arrested the accused persons, from the petitioner, motorcycle, one firearm, two cartridges and one mobile phone were recovered.



4. Learned counsel for the petitioner submitted that he has not been caught committing any offence and the allegation is that the police caught him before he could commit any offence. It was submitted that after the police had arrested the petitioner in the present case, he has been implicated in four other cases, but there has been no recovery in any of those cases, except for the present one. Learned counsel submitted that the petitioner is in custody since 07.04.2020.

5. Learned APP submitted that the petitioner has criminal antecedent and there is recovery of firearm and cartridges from his possession.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur (East) in Baruraj PS Case No. 49 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act



in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned counsel for the petitioner latest by day after tomorrow.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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