

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.31788 of 2020

Arising Out of PS. Case No.-117 Year-2020 Thana- MAIRWAN District- Siwan

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Toofani Ansari @ Toofani Sai, aged about 32 years, Gender-male, Son of
Mohammad Salauddin Sai, Resident of Village - Khaira, Police Station -
Darauli. District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 20-02-2021

Heard Mr. Ashok Kumar, learned counsel for the
petitioner and Mr. Nand Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with
Mairwa PS Case No. 117 of 2020 dated 15.04.2020, instituted
under Sections 25(1-B)(a)/26/35 of the Arms Act, 1959.

3. The allegation against the petitioner is that when the
police on information reached, they found 5-7 suspects out of
which five were caught and two ran away on a black Apache



motorcycle. From the co-accused there is recovery of one loaded country-made pistol and also one Hero Passion Pro motorcycle. The name of the petitioner came in the confessional statement of co-accused Khursed Ali from whom recovery of loaded pistol has been made.

4. Learned counsel for the petitioner submitted that there is no recovery from him even though the police came to his house and seized the black Apache motorcycle which is registered in the name of the wife of the petitioner but no recovery of any incriminating material has been found either in the motorcycle or the house of the petitioner. It was submitted that only on the confessional statement of co-accused he has been implicated in this case. It was submitted that after implication of the petitioner in the present case, all the present accused have been made accused in a case of the year 2017 also in which he is on bail. It was further submitted that co-accused Khursed Ali who was arrested and on the basis of whose confessional statement, the petitioner has been made accused has also been granted bail on 16.12.2020 in Cr. Misc. No. 33078 of 2020.

5. Learned APP submitted that co-accused has taken the name of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Chief Judicial Magistrate, Siwan in Mairwa PS Case No. 117 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (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. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

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