

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49077 of 2021

Arising Out of PS. Case No.-129 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

MD. IRFAN S/o Late Md. Kamal R/o Mohalla- Maulanachak, Ashrfi Ali Lane, P.S.- Mojahidpur, District- Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Mojahidpur P.S. Case No. 129 of 2021, registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

According to prosecution case, on secret information police party was on patrolling duty. In course of that when the informant reached at Maulanachak, two persons seeing police party started fleeing, who were caught with the help of police force. On query, they disclosed their name as Md. Imran @ Kallu and Md. Irfan (this petitioner). On search, one country

made pistol with four live cartridge load in magazine found kept in left waist of Md. Imran @ Kallu. Further two live cartridges, phone of Oppo Comapny were recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. itself that two live cartridge have been recovered from the possession of the petitioner. Petitioner is in custody since 23.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Bhagalpur, in connection with Mojahidpur P.S. Case No. 129 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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