

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1209 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- ADAPUR District- East Champaran

KALAM HUSSAIN @KALAM MIAN son of Molajim Miyan Resident of
Nayak Tola, P.S. Harpur, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Ashok Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Adapur P.S. Case No. 88 of 2020 registered for
the offences under Sections 399 and 402 of the Indian Penal
Code and Sections 25(1B)(a), 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant on receiving secret
information regarding assemblage of the miscreants reached at
the given place and apprehended three miscreants including the
petitioner and other miscreants managed to escape. It is alleged



that petitioner was found in possession of four live cartridges.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner is in custody since 16.03.2020 for the alleged possession of four live cartridges only.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner has been falsely implicated in the present case only due to political rivalry, only three live cartridges are said to have been recovered from possession of the petitioner, however, he has remained in jail in connection with the present case since 16.03.2020, the petitioner has got bail in one of the cases against him and in one of the cases his bail application is pending, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran in connection with Adapur P.S. Case No. 88 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :



(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

