

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38083 of 2020

Arising Out of PS. Case No.-179 Year-2020 Thana- CHAUSA District- Madhepura

MD. WAKAR ALAM, Son of Md. Nisar Alam @ Nisar Alam Resident of
Village- Laualagan East Ward No.7, P.S.- Chousa, Distt- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2021 Heard Mr. Pankaj Kumar Singh, learned Counsel for the
petitioner and Mr. Jai Narain Thakur, learned Additional Public
Prosecutor for the State.

This application, for grant of regular bail, arises out of
Chousa Police Station Case No. 179 of 2018, disclosing offences
under Sections 399, 420 of the Indian Penal Code and Section 25
(1-B)a/26, 35 of the Arms Act.

The allegation, as per the First Information Report is
that on the basis of secret information that some miscreants have
assembled near village-Bhatgama Naugachia four lane, proceeded
towards the place of occurrence and upon seeing the police party,
the accused persons tried to flee away, who were apprehended by
the police and from possession of the petitioner, red-chilly powder
was recovered and from the possession of other accused persons,



one loaded pistol along with live cartridge were recovered.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case due to oblique motive. Learned counsel next submits that petitioner has got no criminal antecedent and from perusal of the seizure list and FIR, it would be evident that no incriminating material or fire arm has been recovered from the possession of the petitioner and the allegation against the petitioner is that only 50 gram red-chilly powder has been recovered. Learned counsel further submits that petitioner is in custody since 10.08.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner has got no criminal antecedent and he is in custody since 10.08.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Md. Wakar Alam, 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 learned S.D.J.M., Udakishunganj, District-Madhepura, Patna, in connection with Chousa Police Station Case No. 179 of 2018.

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(Anil Kumar Sinha, J.)

