

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39076 of 2020

Arising Out of PS. Case No.-385 Year-2020 Thana- NAUBATPUR District- Patna

WAHID KARIM @ WAHID MIYA Son of Late Abdul Karim Resident of
Village - Adampur Piplawan, P.S.- Naubatpur, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha,Advocate

For the Opposite Party/s : Mr.A.M.P. Mehta,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. A.M.P.

Mehta, learned APP for the State.

The petitioner in the present case is seeking regular bail in

connection with Naubatpur P.S. Case No. 385 of 2020 registered for

the offences punishable under Section 25(1-b)a and 26 of the Arms

Act.

Learned counsel for the petitioner submits that in the FIR

it is alleged that when the police party had gone to caught hold of one

wanted accused Md. Shabir and said Md. Shabir started fleeing away

this petitioner came out pointing the pistol towards the police and

threatened the police party, police party started chasing him and

caught hold of. On being caught the said person disclosed his name

as Wahid Karim as one of his colleagues and from his possession one

counter-made pistol and four live cartridges were recovered.



Learned counsel submits that it is a case of false implication of the petitioner as it would appear from the seizure list that the same contains case number which is not possible. It is further submitted that prior to this case the petitioner had no criminal antecedent, he has remained in jail for approximately seven months and further submission of learned counsel for the petitioner that the learned Additional Sessions Judge-I, Danapur has while passing the impugned order committed an error of record by saying that the petitioner has got one criminal antecedent whereas this petitioner has got no criminal antecedent and this fact has come in course of investigation in the case diary.

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

Regard being had to the period already spent by the petitioner in jail, there being no criminal antecedent, investigation against him is complete, there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, 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 A.C.J.M.-III Danapur in connection with Naubatpur P.S. Case No. 385 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 antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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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'.

