

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5125 of 2021

Arising Out of PS. Case No.-48 Year-2020 Thana- KURSAILA District- Katihar

Md. Kasim @ Mojib Age 28 years, Male, Son of Late Md. Ulfat Resident of
Noornagar, P.S.- Sanhola, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 05-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Kursela P.S. Case No. 48 of 2020, registered for the offence under Section 414 of the Indian Penal Code and Sections 25(1-b)a/26 of the Arms Act.

As per the prosecution case, on 07.03.2020, the informant got a secret information that some miscreants have assembled to commit crime, a raid was conducted and two miscreants, including this petitioner, were apprehended and upon search, one loaded *katta*, mobile, Rs. 5250/- and one live cartridge were recovered from possession of this petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Petitioner has been falsely implicated in this case due to local



politics. It is further submitted that though, petitioner has got criminal antecedent, but in all the cases, he is on bail. The fact has been stated in paragraph – 3 of the supplementary affidavit. Co-accused Suraj Kumar Sah, who was also arrested alongwith petitioner, has already been granted bail by this Court, vide order dated 12.03.2021 passed in Cr.Misc. No. 1880 of 2021. Petitioner is in custody since 08.03.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 C.J.M., Katihar in connection with Kursela P.S. Case No. 48 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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.”

(Prabhat Kumar Singh, J.)

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