

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2765 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- BIHARIGANJ District- Madhepura

Md. Niyaz Alam @ Mithu Son of Md. Asfak Alam Resident of Village-
Kusthan, Ward No. 7, P.S. - Bihariganj, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4. 26-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Bihariganj P.S. Case No. 23 of 2020, registered for the offence under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, on a secret information that 6-7 miscreants have assembled to commit some crime, a raid was conducted and this petitioner alongwith one co-accused were apprehended on spot and upon search, one stolen motorcycle, one loaded country-made pistol and two live cartridges were recovered from the possession of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from possession of the petitioner and mandatory provision with regard to search & seizure has not been followed. Petitioner has been remanded in this case on 19.05.2020.



Chargesheet has already been submitted.

Considering the aforesaid facts & circumstances and period of custody, the bail application 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 Judicial Magistrate Ist Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 23 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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