

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5796 of 2021**

Arising Out of PS. Case No.-338 Year-2020 Thana- GAYA KOTWALI District- Gaya

Md. Raza @ Firoz Alam, Son of Shamim Alam, Resident of Chowk Sarai,
P.S.- Kotwali, District- Gaya., Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-04-2021 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in a case registered for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a 26/35 of Arms Act.

Informant who is police officer has alleged that on 17.09.2020 at about 18.30 he received a secret information that 8-9 miscreants armed with dangerous weapons assembled under Kiranighat bridge in river Falgu with intention to commit crime, thereafter police reached there, on seeing police party they



started fleeing and on chase police caught one of them namely, Md. Zakir @ Monit and on his statement police arrested the petitioner and other co-accused persons.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner has been arrested only on the basis of confessional statement of co-accused namely, Md. Zakir @ Monti. Nothing was recovered from the possession of the petitioner. Petitioner is in custody since 19.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya, in connection with Kotwali P.S. Case No. 338 of 2020, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will



be at liberty to move for cancellation of bail of the
petitioner.

(S. Kumar, J)

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