

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7154 of 2021**

Arising Out of PS. Case No.-250 Year-2020 Thana- TEGHRHA District- Begusarai

MD SAJJAD @ BHOLA Son of Md. Ajij @ Abdul Ajij @ Kale Resident of
Village- Dargah Mohalla, Ward No.08, P.S.- Teghra, Distt- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Fahimuddin, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-04-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Teghra P.S. Case No. 250 of 2020 registered for the offences punishable under Sections 25(1-b)a, 26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story, the ASI of Teghra Police Station on secret information reached at the alleged place of occurrence where one boy started fleeing away on seeing the police party but was apprehended by the police and recovered a country made pistol and two live cartridges. The said boy disclosed his name as Md. Sajjad @ Bhola the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the seizure list witnesses are



not independent witnesses. The petitioner is in custody in connection with the present case since 05.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner is that he was apprehended with a loaded country-made katta and one live cartridge of 0.303 bore, he has remained in jail in connection with the present case since 05.09.2020, the seizure list witnesses are not independent witnesses, as is being submitted on behalf of the petitioner, in the two cases on his head he has been on remand and in both the cases the petitioner is on bail, investigation against him being complete, 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 C.J.M., Begusarai, in connection with Teghra P.S. Case No. 250 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 antecedent 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.

