

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14041 of 2021**

Arising Out of PS. Case No.-21 Year-2020 Thana- CHARPOKHARI District- Bhojpur

SHAHJAD HUSSIAN @ MISTER MIYA Son of Abdul Rajjak @ Rajjak
Miya Resident of Village - Bishunpur, P.S.- Sasaram (Muffassil), Distt.-
Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr Kumar Veerendra Narayan, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 16-07-2021

Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Charpokhari P.S. Case
no. 21 of 2020 registered under section 414 of the Indian Penal
Code and sections 25(1-B), 26 and 35 of the Arms Act.

As per allegations in the FIR, on the vehicle/car being
stopped, it is stated that while three accused persons were
caught, one of them managed to escape. The accused who
managed to escape was identified as the petitioner herein. A
loaded country made pistol besides other articles as given in the
FIR were recovered from the possession of the accused persons.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case.
Neither he was arrested at the spot nor any incriminating article
has been recovered from his possession. There is no material
against him except for his name transpiring as one of the



accused who managed to escape. The reason for his false implication is his criminal antecedents. He is in custody since 10.7.2020 and investigation in the case has concluded.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner was not arrested at the spot and his having remained in custody for over 10 months, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Charpokhari P.S. Case no. 21 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara.

(Partha Sarthy, J)

Prakash/-

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