

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5914 of 2022

Arising Out of PS. Case No.-61 Year-2021 Thana- TEYAR District- Bhojpur

Md. Munan Son of Md. Muslim Resident of Village Araila, P.S. Tiyyar, District
- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Tiyyar P.S. Case No. 61 of 2021 instituted for the offences under
Sections 414 of the Indian Penal Code and Sections 25(1-b)A,
26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 12.09.2021, charge-sheet has been
submitted in the case and has antecedent of two cases.

As per allegation mentioned in the F.I.R., arms and
ammunitions detailed in the F.I.R., were recovered from the
house of co-accused Md. Muslim. Md. Muslim is the father of
the petitioner. The petitioner and his father were arrested at the
spot.



Learned counsel for the petitioner submits that the seized articles do not belong to the petitioner. Further it is submitted by the learned counsel for the petitioner that the motive behind the false implication of the petitioner is that his father namely, Md. Muslim was the candidate of the Panchayat Election and elected as a Member of Zila Parishad, Jagdishpur (Area No. 6). Previously, he was Block Pramukh and for this reason of false implication due to political rivalry. It is further submitted that Alto car bearing registration no. BR-1AG-3096 is concern, belongs to friend of the petitioner namely, Anil Kumar. It was lying in the petitioner's campus as it was break down. It is also submitted that no incriminating articles have been recovered form the physical or conscious possession of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 12.09.2021, charge-sheet has been submitted in the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bhojpur at Ara in connection with



Tiyar P.S. Case No. 61 of 2021, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

(3) The petitioner shall be released on bail only after verification of his criminal antecedent. If any other case is pending against him except Tiyar P.S. Case No. 18 of 2021 and Tiyar P.S. Case No. 68 of 2018, he shall not be released on bail.

(Khatim Reza, J)

Gaurav Kumar/-

U		T	
---	--	---	--

