

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6460 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- BALIA BELON District- Katihar

Md. Sharukh, S/o Mungiyaj @ Mumtyaj, R/o village- Basaud, P.S.- Sarai
Khekda, P.S.- Bagpat, State- Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Baliya Belon P.S. Case No. 124 of 2021 registered for the alleged offences under Sections 413 and 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case is that during checking of vehicles, a truck was stopped, but the driver tried to run away with the truck. Apart from the driver, three persons were apprehended from the truck and petitioner was one of the



persons apprehended and from his possession, one live cartridge was recovered. The petitioner and others were allegedly indulging in theft of diesel from oil tanker.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from his conscious possession. Recovery of a single bullet as alleged is useless in absence of any firearm. He has no concern with other co-accused persons and allegation of stealing diesel from oil tanker is wrong. There is no evidence against the petitioner and charge-sheet has been submitted in this case and the petitioner is in custody since 06.10.2021. The co-accused Nadim Ali, from whose possession, a country made loaded pistol was seized and has been granted bail by this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 12424 of 2022 by this Court.

Learned APP opposes the prayer for bail submitting that one live cartridge has been recovered from this petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kathihar in connection with Baliya Belon P.S. Case No. 124 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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