

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6982 of 2022

Arising Out of PS. Case No.-53 Year-2018 Thana- JHAJHA RAIL P.S. District- Lakhisarai

Md Saddam Akhatar @ Saddam Son of Mohammad Akhtar Resident of
Village- Purnai Basti Road, P.S.- Jugalsalai, District- Jamshedpur, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
G.R.P Jhajha P.S. Case No. 53 of 2018 (Sessions Trial No. 82 of
2021) instituted for the offences punishable under Sections
25(1-B)(a), 26(1) and 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.01.2021, charge-sheet has been
submitted in the case and has antecedent of four cases.

The prosecution case as per informant is that on
19.04.2018, he was on duty on Jhajha Railway Station then
informant saw the crowd of passengers making ‘Hulla’ of



Pocketmar. He along with other Railway officials came to platform no. 2 where passengers had taken a person under their custody who alleged to have committed pick-pocketing. On interrogation, the said person disclosed his name, Md. Kasim and on search, a cotton bag was recovered from his pocket from which five desi pistols with magazine, four other magazines and a mobile was recovered from his pocket. On further inquiry, Md. Kasim stated that he was going to Tata for delivery of the said weapons obtained from Md. Mahjab for which he was given Rs. 2,000/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that no incriminating articles have been recovered from the possession of the petitioner. The name of the petitioner was added on the basis of confessional statement of co-accused.

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 19.01.2021, 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



A.C.J.M Railway, Kiul, Lakhisarai in connection with G.R.P
Jhajha P.S. Case No. 53 of 2018 (Sessions Trial No. 82 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) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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