

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7627 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- BALRAMPUR District- Katihar

Md. Kaisar @ Md. Kaisar Alam Son of Md. Naim @ Shakil Resident Of
Village- Konal (PURANI Haat), Police Station- Dalkola, District- North
Dinajpur (WEST Bengal)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner seeks bail in connection with
Balrampur P.S. Case No. 123 of 2021 lodged under Sections
399, 402 of the Indian Penal Code read with Sections 25(1-b) a,
26, 35 of the Arms Act and Section 4 of the Explosive
Substance Act.

As per allegation made in the F.I.R., the recovery of
one loaded *Deshi Katta* with three live cartridges were
recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
charge-sheet has already been submitted in this case and



petitioner is in custody since 05.08.2021. He further submits that provisions relating to Explosive Substance Act is not applicable on him at all. He further submits that the petitioner has criminal antecedent but in Balrampur P.S. Case No. 99 of 2021 he was granted bail.

Learned A.P.P. has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case that charge-sheet has already been submitted and petitioner is in custody since 05.08.2021, let the petitioner, above named, is directed to release on bail, only **after completion of 12 months** as well as **after framing of charge** in this case against the petitioner, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur P.S. Case No. 123 of 2021.

Petition is allowed.

(Dr. Anshuman, J)

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