

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10108 of 2022

Arising Out of PS. Case No.-46 Year-2021 Thana- KACCHWA District- Rohtas

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MOHAMMAD CHAND @ MOH. FAHYAJ AHMAD @ MD. FAIYAJ AHMAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv.

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail in a case registered for the offence under Sections 399 and 402 of the Indian Penal Code and Section 25(1-AA), 25(1-B)a, 26, 27 and 35 of the Arms Act.

The case relates to recovery of one country made loaded pistol along four empty cartridges and one Samsung mobile and 15 notes of Rs. 100/-.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing incriminating articles have been recovered from the



conscious possession of the petitioner rather five numbers of currency note of Rs.100/- along with a mobile are said to have been recovered from the possession of the petitioner which are of belongings of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Gunjan Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.05.2022 passed in Cr. Misc. No. 8659 of 2022. The petitioner is rotting in judicial custody since 04.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kachhawa P.S. Case No. 46 of 2021 with 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 canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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