

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12178 of 2022

Arising Out of PS. Case No.-453 Year-2021 Thana- NARPATGANJ District- Araria

Md. Mustaf @ Md. Mustuf @ Md. Mustuf Mian S/o Late Mazruddin
Resident of Village- Inarwa, Ward No. 05, P.S.- Inarwa, District- Sunsari,
Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with
Narpatganj (Basmatiya O.P.) P.S. Case No. 453 of 2021
registered for the offence under Sections 25 (1-b)a, 26 and 35 of
the 27 Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.11.2021.

The allegation against the petitioner is to have in
possession of illegal fire arms, wherein, recovery is of one
country made pistol along with one live cartridge from other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illegal fire arms has been made from the possession of the co-accused, as per the seizure list. It has further been submitted that the petitioner is a man of clean antecedent and, moreover, the investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, Shri Anil Kumar Singh No.1, while opposing the prayer of bail, fairly conceded the fact that recovery of fire arms is from the co-accused, not from the petitioner.

Considering the facts and circumstances as mentioned above, as alleged fire arms is not recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Narpatganj (Basmatiya O.P.) P.S. Case No. 453 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Araria, subject to the following conditions:

“(i) The trial court is directed to verify the criminal antecedents of the petitioner; if the same shall be contrary to averments as made out in para no. 3 of the bail petition, the bail bond of the petitioner shall not be accepted.

(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be Akhtar Mansuri @ Akhtar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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