

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12424 of 2022

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

Nadim Ali Son of Shamsheer Resident of Village - Dehra, P.S.- Dholana
Harpur, Distt.- Hapur, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma
For the State : Mr. Parmeshwar Mehta, AG

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-07-2022 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 Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case is that during vehicle check, a truck was intercepted and from the petitioner, the driver of the truck, a loaded country made pistol was seized.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. General and omnibus allegations have been levelled for stealing diesel from oil tanker against the petitioner and other co-accused persons. The petitioner is merely a truck driver and has got no concern with other co-accused persons who were apprehended along with this petitioner. The charge-sheet has been submitted in this case and the petitioner is in custody since 06.10.2021.

Learned APP for the State opposes the prayer for bail and submitting that petitioner was apprehended with the loaded country made pistol.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of the 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, Katihar 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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