

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12781 of 2022

Arising Out of PS. Case No.-29 Year-2020 Thana- KHAJAULI District- Madhubani

Md. Zafar Son Of Md. Safi R/O Village- Bhakua, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-08-2022 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 Khajauli P.S. Case No. 29 of 2020 registered for the alleged offences under Sections 25(1-b)A, 26 and 35 of the Arms Act.

As per prosecution case, a raid was conducted on the house of the petitioner on secret information that he was present in the house with illegal arms. A loaded country made pistol and a live cartridge recovered from the petitioner whereas from the co-accused misfired cartridge has been recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is not believable that father and son, both were carrying fire arms and ammunition at the same time and as such crimes are normally not committed by the father and the son together, which creates a reasonable doubt regarding the prosecution story. The co-accused son has been granted bail vide order dated 10.03.2021 passed in Cr. Misc. No. 1597/2021. Charge sheet has already been submitted in this case and the petitioner is in custody since 12.03.2020

Learned APP opposes the prayer for bail of the petitioner submitting the petitioner is a habitual offender and two cases are pending against him.

Having regard to the submission made on behalf of the parties and further considering the submission of charge sheet along with period of custody of the petitioner, 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 Judicial Magistrate, 1st Class, Madhubani in connection with Khajauli P.S. Case No. 29 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure



and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on 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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