

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14088 of 2022

Arising Out of PS. Case No.-84 Year-2020 Thana- TARABARI District- Araria

Md. Kasim @ Kaseeb, Son of Soheli @ Soheli Akhtar, Residence of -
Banswari, Ward No. 09, P.S.- Araria, District- Araria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Nishant Kumar Sinha, learned counsel for
the petitioner and Md. Arif, learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Tarabari P.S. case no. 84 of 2020 registered for
the offences punishable under Sections 25(1-b)a/26/35 of the
Arms Act.

The prosecution case is based upon the self-statement
of S.I. Ajeet Kumar Choudhary, who is alleged that one 7.65mm
loaded pistol, seven live cartridges and two magazine were
recovered from the possession of this petitioner.

It is submitted by the learned counsel appearing on
behalf of the petitioner that the allegation against the petitioner



is totally false, as nothing has been recovered from the conscious possession of the petitioner, rather the same has been recovered from some other place, but it has been shown to be recovered from his conscious possession. It is next submitted that there is several other irregularity in preparation of seizure list and moreover this petitioner is in custody since 26.08.2020, apart from the fact the investigation of the crime is already completed and the charge-sheet has been submitted much earlier.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is also found involved in two other criminal cases. In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody, apart from the fact that investigation of the crime is already completed, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Tarabari P.S. Case No. 84 of 2020, subject to



the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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