

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27086 of 2021

Arising Out of PS. Case No.-244 Year-2020 Thana- KHODAWANDPUR District- Begusarai

=====

WASIM ALAM Son of Kalim Allah @ Kalimullah @ Md. Karimullah
Resident of Village- Sirasi, Ward No. 8, Bariyarpur Purvi, P.S.-
Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Advocate
Mr. Sandip Kumar Gautam, Adv

For the Opposite Party/s : Mr. Ajit Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 28.11.2020 seeks
regular bail in connection with Khodawanpur P.S. Case No. 244
of 2020 dated 27.11.2020 registered for offences punishable
under Sections 25 (1-b),a, 26 and 35 of the Arms Act.

Prosecution case in brief is that petitioner was hiding
one big gun having one barrel and three cartridges of twelve
bore along with one automatic pistol and seizure list was
accordingly, prepared.



Learned counsel on behalf of the petitioner submits that seizure list has not been prepared in accordance with provision of Section 100 Cr.P.C. and no F.S.L. report has been done of the alleged seized arms to confirm as to whether the ammunitions found are prohibited arms. He further submits that petitioner has clean antecedent and he is in custody since 28.11.2020.

Learned A.P.P., has opposed the prayer for bail to the petitioner and submitted that huge quantity of arms and ammunitions have been recovered from the house of the petitioner and as such the petitioner does not deserve to be released on bail.

Considering the facts and circumstances of the case, period of custody of the petitioner as well as there being no criminal antecedent against the petitioner and no specific allegation of tempering the evidence or influencing the witnesses and at the same time, no likelihood of trial being concluded in near future, the petitioner above named is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Manjhaul in the district Begusarai in



connection with Khodawanpur P.S. Case No. 244 of 2020 with a condition that the petitioner will appear before the S.H.O. of the aforesaid Police Station at 9 am daily. The S.H.O. is directed to submit the copy of attendance register to the S.P., Begusarai and on any single default, the bail bond of the petitioner shall be cancelled. The other conditions are as follows:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

