

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19759 of 2022

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

1. Md. Intezar, Son of Noor Mohammad, Resident of Village - Dehara, P.S. - Gholana, Distt.- Hapur, Uttar Pradesh.
2. Md. Samir, Son of Md. Reyaz, Resident of Village - Dehara, P.S. - Gholana, Distt.- Hapur, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek 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 the Indian Penal Code and Sections 25(1-b)a, 26 and
35 of the Arms Act.

As per prosecution case, during checking of
vehicles, a truck was stopped, but the driver tried to run away
with the truck. Apart from the driver, three persons were
apprehended from the truck and the petitioners were two of the



apprehended persons and from their possession, one live cartridge each was recovered. The petitioners and others were allegedly indulging in theft of diesel from oil tanker.

The learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. Recovery of a single bullet as alleged is useless in absence of any firearm. They have no concern with other co-accused persons and allegation of stealing diesel from oil tanker is wrong. There is no evidence against the petitioner. The co-accused Nadim Ali, from whose possession, a country made loaded pistol was seized and has been granted bail by this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 12424 of 2022 by this Court. Other co-accused Md. Sahrukh has also been granted bail by this Court vide order dated 20.07.2022 passed in Cr. Misc. No. 6460 of 2022. The case of the petitioners is on similar footing. Charge-sheet has been submitted in this case and the petitioners are in custody since 06.10.2021.

Learned APP opposes the prayer for bail submitting that live cartridges have been recovered from the petitioners.

Having regard to the submissions made



hereinabove and considering the fact that charge-sheet has been submitted and further considering their period of custody, the petitioners above named are 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 petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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