

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23794 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- JANKINAGAR District- Purnia

MD. JUBER Son of Md. Saddam R/o village - Binobagram, P.S.- Jankinagar,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Jankinagar P.S. Case No. 44 of 2021 registered for the offence
under Section 414 of the I.P.C. and Sections 25(1-b)a, 26, 35 of
the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.03.2021.

The allegation against the petitioner is to have in
possession of stolen property and also of fire arms, one country
made pistol and five cartridges.

Learned counsel appearing on behalf of the petitioner



submitted that seizure list is suggesting that fire arms were recovered from an open place, not from the physical possession of this petitioner. It is also submitted that petitioner involved in present criminal cases only for his criminal antecedent as he found involved in six criminal cases, where he is on bail in four cases. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovery of fire arms were made from an open place, as per seizure list.

Considering the facts and circumstances as mentioned above, as seizure list is not suggesting the recovery of fire arms and other stolen property from physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jankinagar P.S. Case No. 44 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve



in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Sadrul, who is the cousin of the petitioner and deponent of the present.

(Chandra Shekhar Jha, J)

pooja/-

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

