

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24489 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Md. Abul S/O Late Iliyas R/o village- Sheikhpura, Ward No. 10, P.S.-
Nawkothe, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Nawkothe P.S. Case No. 17 of 2022 under sections 25(1-
b)a/26/35 of the Arms Act.

The allegation in the FIR is that upon intercepting
the motorcycle, one country made pistol was recovered from its
dicky and as the petitioner failed to provide documents, the
arms was seized and he was taken into custody.

Learned counsel for the petitioner submits that he
is in custody since 2.2.2022 (as stated in para-11 of the bail



application) despite having no criminal antecedent.

Taking into account the aforesaid fact that the petitioner does not have any criminal antecedent and he is in custody since 2.2.2022, this Court is inclined to grant him the privilege of bail. However, if it is found contrary to statement made a bail application that the petitioner do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate-1st Class, Begusarai, in connection with Nawkothe P.S. Case No. 17 of 2022 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;



(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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