

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24811 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- BELA District- Sitamarhi

Shabdul Nadaf @ Sabdul Nadaf S/o Late Nisharul Nadaf @ Late Nisarul Nadaf Resident of Village- Betaha @ Betha, P.S.- Bela, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Bela P.S. Case No. 179 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Sections 25(1-b) a, 26 and 35 of the Arms Act.

As per prosecution case, three motorcycles riders tried to run away when they were signaled to stop by the police, but they were apprehended and petitioner is one of them. From the possession of the petitioner a loaded country made pistol and a live cartridge were recovered. The motorcycle being used by the petitioner is stated to be a stolen one.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. He has nothing to do with the alleged occurrence or the recovery shown from him. Nothing incriminating has been recovered from the possession of this petitioner. The motorcycle seized by the police does not belong to the petitioner. The petitioner is in custody since 23.09.2021 and charge sheet has been submitted.

Learned APP opposes the submission made on behalf of the petitioner submitting that the petitioner is a habitual offender and is accused in altogether eight cases of serious nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of the custody of the petitioner along with the submission of charge-sheet, the petitioner above named is 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 Sub Divisional Judicial Magistrate Sadar, Sitamarhi in connection with Bela P.S. Case No. 179 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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