

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25685 of 2022

Arising Out of PS. Case No.-355 Year-2021 Thana- ARARIA District- Araria

MD. RAHBAR @ MOHAMMAD RAHBAR @ RAHBAR S/o- Md. Mobin
R/o Village - Kharahiya Basti, Ward No.-11, P.S. - Araria, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Araria
(Bairgachhi) P.S. Case No. 355 of 2021 registered for the
offences punishable under Sections 25(1-b)a, 26, 35 of the Arms
Act.

As per prosecution case, one country made pistol
was recovered from possession of the petitioner besides mobile.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.04.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner was caught by private person and was handed over to police. Petitioner has falsely been implicated in this case due to dirty village politics at the instance of his enemies.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 355 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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