

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38914 of 2021**

Arising Out of PS. Case No.-66 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MD. NABAB ALI @ NABAB ALI S/O SANIRUDDIN RESIDENT OF
BARIJAN DURGAPUR, P.S-KOCHADHAMAN, DISTRICT-
KISHANGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 21-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Learned counsel for the petitioner filed a supplementary affidavit, in which he has stated that due to typographical error in the third paragraph of the bail petition in which the statement with regard to criminal antecedent has been wrongly mentioned, as having criminal antecedent as follows, but in fact the petitioner has no criminal antecedent.

The petitioner seeks bail in connection with Kochadhaman P.S. Case No.66 of 2021 registered for the offence punishable under Sections 401, 413, 414 of the IPC and



Section 25(1-B)(1-AA)/26/35 of Arms Act.

The prosecution case in short is that on 07.03.2021 the informant, Suman Kumar Singh, SHO of Kochadhaman along with other police officials during course of patrolling got information that 8-10 persons creating nuisance near Burhimari village. After getting information they reached there and saw tht some persons with motorcycle and car creating nuisance on the road and they were trying to fled away from there after seeing the police. One person was intercepted by the police with his pulsar motorcycle and told his name Firoj Alam @ Baba and police officials also found a Automatic pistol with live cartridges along with more utensils from his pocket. After inquiry regarding the recovered pistol from his possession, he admitted that he used to purchase arms from the Bengal and distribute among the gang member and sale the same in our locality and they after distribute the profit among themselves. Police officials raided the house of Nabab Ali and recovered one TVS motorcycle including various incriminating articles from the house of other co-accused. Accordingly seizure list has been prepared and FIR has been lodged.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has clean antecedent. He has falsely



been implicated in this case. He further submits that the motorcycle has been recovered from the house of the petitioner. He further submits that the co-accused, namely, Firoz Alam @ Baba has been granted bail vide order dated 28.09.2021 in Cr. Misc. No.37511 of 2021 by co-ordinate Bench of this Hon'ble Court and the petitioner is in custody since 10.03.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned CJM, Kishanganj in connection with Kochadhaman P.S. Case No.66 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.



And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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