

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38803 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- DUMRAO District- Buxar

MD. MUSTAQUE ALI @ BHOLI @ MUSTAFA Son of Late Yunush Khan
R/O Muhalla- Takiya, Muhalla Dumraon, P.S.- Dumraon, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr. Md. Shakir Ahmad

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 20-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Dumraon Police Station Case No. 22 of 2021, registered for the
offences punishable under Sections 399/402 of the Indian Penal
Code and Sections 25 (1-b)a/26/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the police got information that 7-8 miscreants
have assembled at the place of occurrence and were planning to
commit the crime, proceeded towards the place of occurrence
and upon seeing the Police Party, the accused persons started
fleeing away. However, they were apprehended by the Police
and from possession of the petitioner, one loaded country-made
pistol along with one live cartridge of .315 bore were recovered.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that the petitioner has got no criminal antecedent prior to institution of the present case inasmuch as he has been implicated in one another case after lodging of the present case. He further submits that the petitioner is in custody since 14.01.2021 and other co-accused persons have been granted bail by this Court in Criminal Misc. Nos. 32595, 33543 and 37644 of 2021.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that charge sheet has already been submitted, similarly situated co-accused persons have been granted bail by this Court and the petitioner is in custody since 14.01.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, 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 learned Chief Judicial Magistrate, Buxar, in connection with



Dumraon Police Station Case No. 22 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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