

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38722 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- AMARPUR District- Banka

MD. ISMAIL S/o Jasin @ Md. Jasim R/o village - Nayatola Hasanpur, P.S. -
Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-01-2022 The matter has been taken up through virtual Court proceedings.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 23.03.2021, seeks regular bail in connection with Amarpur P.S. Case No. 140 of 2021 registered for offences punishable under Sections 25(1-B)A and 26/35 of the Arms Act.

The case of the prosecution, in brief, is that the name of the petitioner was disclosed by one Md. Irshad and Vishal Kumar. There is specific allegation that during search, a country made pistol along with three live cartridges were recovered from possession of co-accused Vishal Kumar.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has committed no offence. Petitioner has falsely been implicated in this case. Name of the petitioner has been disclosed by one co-accused in his confessional statement. The petitioner has not been arrested on the spot and nothing has been recovered from his conscious possession. Petitioner is in judicial custody since 23.03.2021 and has got no criminal antecedent.

Mr. Jai Narain Thakur, learned State Counsel opposes the prayer for regular bail.

Considering the above mentioned facts and circumstances and specific statement made that name of the petitioner has surfaced on the basis of confessional statement of one co-accused, let the petitioner above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 140 of 2021, subject to the following conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(Purnendu Singh, J)

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