

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31634 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- BARGAINIA District- Sitamarhi

Sarfaraz Alam, Son Of Mobarak Ansari R/O- Vill- Satpurva, P.S.- Bairgania,
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2022 Heard Mr. Ashok Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Amitesh Kumar,
learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 45 of 2022, for the offence punishable
under Section 394 of the Indian Penal Code and Section 25(1-b)
a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that the three
miscreants named in the F.I.R. including the petitioner
overpowered the informant at the point of pistol and committed
robbery by snatching Rs. 2,00,000/- kept in Jhola. The petitioner
was apprehended by the informant alone and one country made
pistol recovered from the possession of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The petitioner is a student and has bright carrier. The petitioner has been made accused in the present case by the informant due to enmity. From the very perusal of the F.I.R. itself it appears that the arms was recovered by the informant himself, however, the case has been lodged under Section 25(1-b)a, 26 and 35 of the Arms Act, which can only be instituted by the Police, if any recovery made by the Police from accused person. As the informant is not Magistrate or a Police officer. The provisions of Section 37 of the Arms Act is attracted. The accused if so arrested can be released in terms of Section (b)(i) on his executing a bond with or without sureties to appear before a Magistrate. The petitioner has clean antecedent and is in custody since 22.02.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner, above named, who has clean antecedent and is in custody since 22.02.2022 is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 45 of 2022, subject to the following conditions:-

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

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

(3) If the petitioner tampers 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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