

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32507 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- LAKHISARAI District- Lakhisarai

MD ASHARUDDIN @ MD AZHAR @ SUFIYAN S/o Md. Aslam Resident
of Village- Khutha Dih, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 None appears on call

Learned APP for the State through video conferencing
in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Lakhisarai P.S. Case No. 39 of 2022 for the offences under
Sections 25 (1-B)a, 26 and 35 of the Arms Act.

As per the prosecution story, the police raided a ‘hut’,
two persons tried to escape but were apprehended, the
petitioner being one of them. From him, it is alleged that 7.65
mm pistol and two loaded magazine beside 10 live cartridges
were recovered/seized. As he failed to provide any document, it
was seized and F.I.R. lodged, the petitioner has been taken into



custody.

As per the averment made, in the bail application, he has got nothing to do with the alleged recovery and has been falsely implicated by the police. It is further averred in the bail application that for the said alleged recovery/seizure, he is in custody since 15.01.2022.

Considering the aforesaid facts and that he is in custody since 15.01.2022, charge sheet submitted and he has to face the trial, this Court is inclined to grant him the privilege of bail after framing of charges.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Lakhisarai in connection with Lakhisarai P.S. Case No. 39 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of



bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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