

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40834 of 2021

Arising Out of PS. Case No.-511 Year-2020 Thana- GORAUL District- Vaishali

Md. Azad S/o Md. Israil R/o village- Fakuli, P.S.- Fakuli, O.P. Kudani,
District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rina Sinha, Advocate
For the Opposite Party/s : Mr.Braj Kishore Pd.,App

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2022 Heard the parties through the video conferencing.

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

Petitioner who is in custody since 15.12.2020 seeks
regular bail in connection with Goraul P.S. Case No. 511 of
2020 registered for the offence punishable under section 414/34
of the Indian Penal Code and Section 25(1-b)a/26/35 of the
Arms Act.

Prosecution case in brief is that on 14.12.2020 the
SHO of Kathara O.P. along with other police personnel was on
patrolling duty near Chekrakalan Motimahahal, he received a
information that two persons armed with pistol and bike were
caught by some villagers. He rushed towards the place of
occurrence and caught them named as Md. Azad and Md. Asif



and recovered one country made sixer & two mobiles from the possession of this petitioner and one mobile from another accused.

Learned counsel for the petitioner has submitted that the petitioner is innocent and nothing has been recovered from his conscious possession. He further submitted that the petitioner has clean antecedent and due to highhandedness of the police he has been implicated in the present case. He further submitted that the seizure list was not prepared in presence of the independent witnesses rather it was prepared in presence of two Choukidars who are interested parties.

Considering the above mentioned facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of ACJM-I, Vaishali at Hajipur, in connection with Goraul P.S. Case No. 511 of 2020 subject to the following conditions:-

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

(2) Petitioner shall cooperate 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.

(Purnendu Singh, J)

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