

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41365 of 2021

Arising Out of PS. Case No.-568 Year-2020 Thana- LAKHISARAI District- Lakhisarai

MD. KHURSHID S/O MD. SHARIF R/O VILLAGE-SUJABALPUR, P.S-
MUFFASSIL, DISTRICT MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 05.11.2020 seeks
regular bail in connection with Lakhisarai P.S. Case No.568 of
2020 registered for the offence punishable under Section 25(1) a
26(1)/35 of the Arms Act.

Prosecution case in brief, is that a raid was
conducted by the Sub-Inspector of Police, Lakhisarai, after the
information that some known persons are engaged in sale of
illegal arms. Accused persons were apprehended and from



whose possession one magazine and two cartridges of 765 bore was recovered from the possession of Pancham Singh while one mobile, three cartridges and one mobile was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submits petitioner was coming from Suryagarh by a tempo and he was just a member of crowd and police has arrested him on mere suspicion and nothing has been recovered from the possession of the petitioner. He further submits that he was forced to put signature in the seizure list in police custody.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case and period of custody, as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to COVID-19, the petitioner above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No.568 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 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.

(Purnendu Singh, J)

Prakash Narayan /-

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