

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42572 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- PRANPUR District- Katihar

MD. BASIRUDDIN @ BISHO Son of Md. Ismail Resident of Village -
Maniknagar, P.S. - Pranpur (Roshna O.P.), District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 17.03.2021, seeks
regular bail in connection with Pranpur (Roshna O.P.) P.S. Case
No. 45 of 2021 registered for offences punishable under
Sections 25(1-b)a/26/35 of the Arms Act.

Prosecution case, in brief, is that one Prem Kumar
Bharati, S.H.O., on getting secret information that two persons
were planning to commit crime at Shahnagar Mango Nursery
and in course of search, one pistol and live cartridge were
recovered from the possession of the Md. Basiruddin



(petitioner) and empty cartridges as well as live cartridge were recovered from the possession of one co-accused Md. Safikul. It has further been alleged that both the arms were in working condition.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has been roped in the present case because he has been made accused in four other cases. Persons who are inimical terms with the petitioner have planted a false case against him in which recovery of arms has been shown from the possession of the petitioner. However, no such recovery was made from the conscious possession of the petitioner. Petitioner is in custody since 17.03.2021.

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

Considering the facts and circumstances of the case, the Court below is directed to obtain antecedent report from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner as what has been stated in paragraph No. 3 of the present bail application, the petitioner, above named, is directed to be enlarged 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, Katihar in connection with Pranpur (Roshna O.P.) P.S. Case No. 45 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 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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