

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42645 of 2021

Arising Out of PS. Case No.-663 Year-2020 Thana- CHANPATIA District- West Champaran

SK. NAJAMUDDIN @ SHEKH NEJAMUDDIN Son of - Late Sk. Shah
Mohammad Resident of - Bankat Bagahi, P.S. - Chanpatia, District - West
Champaran, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Advocate.

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

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 A.P.P. for the State.

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

The petitioner, who is in custody since 26.12.2020,
seeks regular bail in connection with Chanpatia P.S. Case No.
663 of 2020 for the offence punishable under Sections 25(1-b)a,
26 and 35 of the Arms Act.

The prosecution case, in brief, is that on search of the
house of the petitioner, one 9 mm pistol and a country made
pistol were recovered. On demand, no papers were produced and
on interrogation, the petitioner disclosed that the said arms



belong to some other person and he had given him to keep the Arms safely.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner has no concern with the seized Arms. One Tunna Mian known to him has asked him to keep the Arms safely. He had no idea as to whether the said Tunna Mian has license to keep the arms or not. It appears from the F.I.R. that the petitioner is innocent. Petitioner has clean antecedent and he is in custody since 26.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submitted that the petitioner was apprehended along with two country made pistols, as such his bail application be rejected.

Considering the aforementioned facts and circumstances of the case, there is allegation in the F.I.R. that the petitioner came in possession of the said Arms which were kept by one co-accused Tunna Mian, petitioner has nothing to do with the said Arms neither any allegation of use of said arms is against the petitioner, petitioner has clean antecedent, he is in custody since 26.12.2021 and there is no allegation of tampering



with the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 663 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.

(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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