

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43128 of 2021

Arising Out of PS. Case No.-59 Year-2019 Thana- KAJRAILICHAK District- Bhagalpur

MD. BABAR @ WALI Son of Md. Ali Resident of Village - Habibpur
(Bhatabari), P.S.- Habibpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-02-2022 Heard Md. Najmul Hodda, learned counsel for the

petitioner and Md. Aslam Ansari, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Kajraili P.S. Case No. 59/2019 registered for the offence
punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the First Information Report, the Police party
on information that some miscreants were committing loot at
the Petrol Pump, arrived at the place of occurrence and
apprehended three accused persons including the petitioner who
were riding the Motorcycle and recovered a loaded country
made pistol from possession of accused/Sunil Choudhary, a
small scissor from possession of Arun Kumar Das and a bag
containing Rs.1,434/- from possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case by the Police with oblique motive and he has not committed any offence in the manner alleged. He further submits that no firearm has been recovered from possession of the petitioner and the same has been recovered from possession of co-accused Sunil Choudhary. He also submits that Rs. 1,434/- has allegedly been recovered by the Police, belongs to the petitioner and for the same incident, the Police has lodged two separate cases; one under Sections 394 and 411 of the Indian Penal Code having Kajraili P.S. Case No. 58/2019 and the present case bearing Kajraili P.S. Case No. 59/2019 has been lodged under Sections 25(1-b)a, 26 and 35 of the Arms Act. He next submits that petitioner has been granted bail in another case bearing Kajraili P.S. Case No. 58/2019 by a co-ordinate Bench of this Court in Cr. Misc. 50556 of 2021. Petitioner is in custody since 24.9.2019.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 24.9.2019 and he has been granted bail by a co-ordinate Bench of this Court in second First Information Report bearing Kajraili P.S. Case No. 58/2019 for the same occurrence and petitioner is in custody



since 24.9.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 14th, Bhagalpur, in connection with Kajraili P.S. Case No. 59/2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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