

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34863 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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WASHIM RAJ @ WASIM RAJ @ WASIM RAJA S/o Naushad Alam @ Md.
Naushad Alam R/o village- Bagdulhan Hajipur, P.S.- Nagar (Hajipur),
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar No.1, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Sadar P.S. Case No. 98 of 2022 for the offences under
Sections 399, 402,342, 323, 324, 307, 332 and 353/34 of the
Indian Penal Code and Section 25 (1-b) A, 26, 27 and 35 of the
Arms Act and Sections 8/20 (b) (ii) (A) of the NDPS Act.

As per the prosecution story, the police in course of
patrolling, received information that some accused persons
assembled in the house of Aas Mohammad, who were planning
to commit crime. The police party reached there and besieged



the area. Allegation is that five accused persons jumped out from the roof. Upon challenge, one accused fired on the police and tried to escape but the three accused persons were apprehended and two accused persons fled away from the place taking the advantage of darkness. It is further alleged that the apprehended accused persons, who fired from his pistol disclosed his name Md. Meraj @ Ajay, Faizen and Wasim Raj, the petitioner herein. It is further alleged that on search, one country-made pistol, live cartridges, three mobile phones and 1KG '*charas*' like substance were recover from possession of Md. Meraj @ Ajay and from the possession of accused Faizan, 1 kg charas like substance, two live cartridges, surgical blades and smart phone were recovered while from the possession of the petitioner herein, nothing incriminating articles were recovered/seized. Accordingly, the FIR was lodged and the accused persons are taken into custody.

Learned counsel for the petitioner submits that the allegation against other accused persons, namely, Md. Meraj @ Ajay and Faizen is about recovery of country-made pistol as also '*charas*' whereas the FIR itself shows that from this petitioner, nothing has been recovered. It is his further submission that for the said allegation, he has already suffered



by being in custody since 25.02.2022 only because he has criminal antecedent.

Taking into account the fact that the recovery/seizure has been attributed to Md. Meraj @ Ajay and Faizen whereas nothing has been recovered from the petitioner herein, he is in custody since 25.02.2019 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Muzaffarpur in connection with Sadar P.S. Case No. 98 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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