

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34669 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- NARPATGANJ District- Araria

Md. Nazim Alam, S/o Nayeem, Resident of Village- Madhura Paschim, Ward No. 13, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Narpatganj P.S. Case No. 188 of 2022
registered for the alleged offences under Sections 25 (1-B), 26
and 35 of the Arms Act.

As per prosecution case, on a tip about selling and
purchase of illegal arms in the ground of a school, a raid was
conducted and two persons were found playing with the pistol
and on seeing the police, they hid the said pistol. Both of them
were apprehended and the petitioner is one of the apprehended



persons. From the joint possession of this petitioner and co-accused, a pistol was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from conscious possession of the petitioner. Moreover, the recovery has been shown from the joint possession, so it is not clear from whom the recovery has been made. Moreover, empty pistol is of no use. The witness no.2, namely Dharmendra Kumar Yadav is a co-villager of the petitioner and who is on inimical terms and at his instance, the petitioner has been falsely implicated in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 28.04.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of recovery and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Araria, in connection with Narpatganj P.S.
Case No. 188 of 2022, subject to the conditions mentioned in
Section 437 (3) of the Code of Criminal Procedure and also the
following conditions :

- (i) One of the bailors will be a close
relative of the petitioner.
- (ii) The petitioner will remain present on
each and every date fixed by the court
below.
- (iii) In case of absence on three consecutive
dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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