

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35236 of 2022

Arising Out of PS. Case No.-351 Year-2021 Thana- RAGHOPUR District- Supaul

Md. Furkan Khan @ Md. Furkan Son Of Md. Laddan Khan @ Md. Laddu Khan R/O Village- Thadhi, Bhawanipur, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act.

According to prosecution case is that informant S.H.O. namely Rajnish Kumar keshri self statement on 16.12.2021 at 7:00 A.M. at residence of Pawan Kumar informant got the secret information some outsider criminal came at the house of Pawan Kumar informant and police party came to Pawan Kumar house see the four persons sitting the door of the Pawan Kumar and two motorcycle standing near the house one without number and another motorcycle bearing registration number



BR50K5379. When the police accused try to fled away but with the help of police personnel all accused person arrested by the police, when search the accused persons two loaded Desi Katta recovered from the Md. Rahul Khan and Azad Kumar Paswan and five live cartridges recovered from Furkan Jha and live one cartridge recovered from the Pawan Kumar and mobile is also recovered from the accused persons. On the basis F.I.R. is lodged against the accused persons.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per F.I.R. as well as seizure list, 5 live cartridges and one mobile phone have been recovered from the possession of the petitioner. The petitioner is in custody since 17.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Raghopur P.S. Case No. 351 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification

(Rajesh Kumar Verma, J)

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