

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44571 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- PIPRA District- East Champaran

SHABBIR MUKHIYA, Son of Hari Mukhiya, Resident of Village - Tikulia,
P.S.- Pipra, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Rajiv Nayan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pipra P.S. Case No.79 of 2021 registered for the offences punishable under Sections 25(1-b)a and 26 of the Arms Act. He is in custody since 05.03.2021. The petitioner has got one criminal antecedent in which he is on bail as stated in paragraph '3' of this application.

Learned counsel for the petitioner submits that as per the First Information Report one loaded country made pistol has been recovered from the possession of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. Learned counsel submits that there is no recovery from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 05.03.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that from the possession of the petitioner one country made pistol has been recovered but in connection with this case the petitioner has remained in custody since 05.03.2021, investigation against him is complete, he has got one criminal antecedent but he is on bail in the said case and so far as the present case is concerned, his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Pipra P.S. Case No.79 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

