

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36856 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

MD. SADIM @ SHIBU SON OF MD. SHAMIM AHMAD @ MD.
SHAMIM R/O VILLAGE- BAGHRA LAXAMIPUR, P.S.- SIWAN
MUFFASIL, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Senior Advocate Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2022 Heard Mr. D.K. Sinha, learned Senior counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

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

The petitioner is an accused in connection with Siwan Muffasil P.S. Case No. 138 of 2022 under Section 414 of the Indian Penal Code and Section 25(1-b)a and 35 of the Arms Act.

As per the prosecution story, three accused persons were coming on a motorcycle and when they saw the police tried to escape. While two of them successfully escaped, one was apprehended, the petitioner herein. Upon search, it has been



alleged in the FIR that a loaded country-made pistol was recovered from his waist. Accordingly, the FIR was lodged and the petitioner was taken into custody.

Mr. D.K. Sinha, learned Senior Counsel for the petitioner submits that for the said alleged act, he has suffered a lot by being in custody since 09.03.2022. It is his further submission that he has been implicated in this case by the police only because he has criminal antecedent. His last submission is that the petitioner is ready to abide by all the terms and conditions imposed by the Court if granted the privilege of bail.

Taking into account the fact that the petitioner is in custody since 09.03.2022, charge sheet stands submitted and ultimately he has to face the trial, 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 Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 138 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner 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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