

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46907 of 2021

Arising Out of PS. Case No.-233 Year-2020 Thana- GHORASAHAN District- East
Champaran

=====

MD. FERROJ HAWARI @ FERROJ HAWARI S/o KALAMUDDIN HAWARI
R/o VILLAGE-MADHOPUR MAHUAWA TOLA, P.S-CHIRAIYA,
DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Ghorasahan P.S. Case No. 233 of 2020 for the offence
punishable under Sections 399 and 402 of the Indian Penal Code
and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that during raid
conducted by the police, one loaded country made pistol and a
stolen motorcycle was recovered from the possession of the
petitioner.



Learned counsel appearing on behalf of the petitioner submits that present bail application has been renewed considering the observation made vide order dated 08.02.2021 passed in Cr. Misc. No. 37016 of 2020. He further submits that the petitioner is in custody since 20.06.2020. One co-accused namely Vikash Kumar Ram has been granted bail vide order passed in Cr. Misc. No. 37530 of 2020. Subsequently other co-accused has also been released on bail by a co-ordinate Bench of this Court and the petitioner has been able to obtain such order passed by a co-ordinate Bench in Cr. Misc. No. 25757 of 2021. In this case, petitioner has got two criminal antecedents.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the parties and considering the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 22nd Addl. District and Sessions Judge, East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 233 of 2020, subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

