

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39039 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- MATIHANI District- Begusarai

MD. KALIM Son of Late Abdul Mannan Resident of Village - Badh,
Mohalla- Station Gaya Chak, P.S.- Badh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through Virtual Court Proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Matihani
P.S. Case No. 160 of 2021 registered for the offence under
Section 414 of the Indian Penal Code and Section 25(1-B)A, 26
and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.12.2021.

The allegation against the petitioner is to have in
possession of stolen car, unexplained cash of Rs. 1,50,000/-
(Rupee One Lac and Fifty Thousand Only), one loaded country



made pistol and six live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that the alleged stolen car was jointly occupied by other co-accused persons. It is further submitted that recovery of firearm cannot be said that it was made from conscious physical possession of the petitioner. It is also submitted that description and denomination of alleged cash is not available and as such, cannot be connected with the petitioner. It is also submitted that implication is due to previous criminal antecedents, where, entire seizure list is doubtful, as same is supported by police personnels, not by the independent witnesses. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list is not supported by the independent witnesses, where, alleged cash is not available with any description and denomination coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Matihani P.S. Case No. 160 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Begusarai/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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