

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39203 of 2022**

Arising Out of PS. Case No.-27 Year-2022 Thana- BALIYA District- Begusarai

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Md. Faiz Alam @ Md. Faiz Ahmad S/O Late Haider Ali @ Md. Haider Ali
Resident of Village- Daniyalpur, Ward No.- 06, P.S.- Teghra, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-09-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 25(1-b) a, 26 and 35 of the

Arms Act.

One country made pistol, four live cartridges and one

mobile phone were recovered from the possession of the

petitioner.

Learned counsel for the petitioner submits that the

petitioner has been falsely implicated in the present case. He



further submits that one country made pistol, four live cartridges and one mobile phone have been recovered from the possession of the petitioner. He further submits that there is no compliance of Section 100 of the Cr. P.C. He further submits that similarly situated co-accused Tarique Anwar @ Guddu has been granted bail by this Court vide order dated 26.08.2022 in Cr. Misc. No. 28493 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ballia P.S. Case No. 27 of 2022, with 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 witness, 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 antecedents, 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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