

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49985 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- BARHARIA District- Siwan

ARIF ALI Son of Shaukat Ali Resident of Village - Nawalpur, P.S.- Barharia,
Distt. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Barharia P.S. Case No. 171 of 2021 instituted for the offences
under Sections 399, 402 of the Indian Penal Code read with
Sections 25(1-B)a, 26, 35, 25(1-A) and 26(2) of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 19.06.2021, is a person with clean
antecedent and charge-sheet has been submitted and allegation
is of recovery of one country made carbine and five bullets from
the possession of the petitioner.

Learned counsel for the petitioner further submits that
from perusal of the allegation as alleged in the FIR, it would



manifest that petitioner was not even present at the place of occurrence and one Shahnawaz Alam came to be arrested, who before the police, disclosed that in the house of the petitioner the carbine is kept and the same can be recovered from his house. Learned counsel next submits that Shahnawaz Alam is own maternal brother of the petitioner and is a noted criminal and since he had money dispute with the petitioner, as such, got him falsely implicated, though the carbine was recovered from him only.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted, 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 Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 171 of 2021, subject to the condition that one of the bailors shall be the father of the petitioner, namely, Shaukat Ali.

(Satyavrat Verma, J)

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