

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49611 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- SAKRA District- Muzaffarpur

MD. TUFAIL Son of Md. Shamshey Alam Resident of Village- Keshopur  
Ward no. -9, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

3      24-03-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for  
the offence under Sections 400, 402 and 399 of the Indian  
Penal Code and Section 25(1-b), 26 and 35 of the Arms Act.

As per the prosecution case, one loaded country  
made pistol along with one live cartridge has been recovered  
from the possession of the petitioner.

Learned counsel appearing for the petitioner  
submits that the petitioner is innocent and has falsely been  
implicated in this case. He further submits that it appears  
from the F.I.R. as well as the seizure list that one country  
made pistol along with two live cartridges have been



recovered from the possession of the petitioner. He further submits that the informant has forcibly taken the signature of the petitioner on blank paper. In fact, nothing has been recovered from the conscious possession of the petitioner rather the police has planted the story and shown the recovery from the possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, co-accused, namely, Rajeev Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.11.2021 passed in Cr. Misc. No. 48874 of 2021. The petitioner is rotting in judicial custody since 19.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (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 Sakra P.S. Case No. 61 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

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

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 antecedent, 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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