

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50263 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Md. Hussain @ Aslam S/O Md. Mustafa @ Mustafa R/O Village-Mirzapur
Baradah, Dariayapur, P.S-Munger Muffasil, District-Munger.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ravish Mishra, Advocate

For the Opposite Party : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-03-2022 Heard learned counsel for the petitioner and the
learned APP.

Petitioner is in custody in connection with Suryagarha
P.S. Case No. 25 of 2021 for the offence under sections 25(i)a,
25(1-AA), 25(1-AC), 25(1-b)a, 25(1-B)c, 26(i)(ii), 35 of the
Arms Act.

The allegation against this petitioner is that upon
confidential information, when the police proceeded to the spot,
some of those present there tried to flee but were nabbed.
Subsequently, search operation of the nearby hut belonging to
one of the accused, Raja Singh was made and number of illegal
arms were seized. This led to institution of Suryagarha P.S. case
aforesaid.

The alleged occurrence is of 28.01.2021 and the



petitioner is in custody since 29.01.2021.

As per the statement made in para-3 of the bail application, the petitioner has got no criminal antecedent. Admittedly, the hut belongs to accused Raja Singh from where illegal arms were seized and there was no recovery from the possession of the petitioner.

Learned counsel for the petitioner submits that charge-sheet has already been submitted in the matter.

Considering the fact that charge-sheet has already been submitted in this case and the petitioner is in custody since 29.1.2021, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Suryagarha P.S. Case No. 25 of 2021 subject to the following conditions:

(i) one of the bailors must be family member of the petitioner who shall submit an affidavit showing his relation with him. The bailor will have the duty to inform the Court if there is any change in the address of the petitioner;

(ii) the petitioner will visit the Suryagarha police station every fortnight for the next six months and mark his presence there;



(iii) the petitioner shall cooperate with the trial and will ensure his presence on each and every date. Failure to do so for two consecutive dates, his bail bonds shall be cancelled by the learned court below.

With the observation and condition stipulated above, the application is allowed.

(Rajiv Roy, J)

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