

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41418 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- ARARIA District- Araria

MURSHID @ MURSHID ALAM Son of Habibur Rahman Resident of
village Haldia, Ward No. 13 Police station Simraha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Araria
P.S. Case No. 48 of 2022 registered for the offences punishable
under Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, there is alleged recovery
of one live cartridge from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 16.01.2022. Petitioner bears no
criminal antecedent. Co-accused Akbar @ Md. Akbar and
Khalid on same allegation have already been granted bail vide
Cr. Misc. No. 22056 of 2022 and 31157 of 2022 respectively



and the case of present petitioner stands on similar footing. Petitioner is quite innocent and has falsely been implicated in this case due to ulterior motive and self grudge of the informant.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused persons have already been granted bail and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 48 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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