

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51404 of 2021

Arising Out of PS. Case No.-297 Year-2021 Thana- SIWAN CITY District- Siwan

Gyasuddin Khan @ Tufan, Son of Fajil Khan, R/o Village/At- Shekh
Mohalla, P.S.- Siwan Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Siwan (Town) P.S. Case No. 297 of 2021 for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that on 08.06.2021 while the informant along with police party was on patrolling duty, they received secret information that some boys are assembled with arms. On the said information, the police apprehended five persons including this petitioner. On search,



one loaded country made pistol was recovered from the possession of this petitioner.

It is submitted on behalf of learned counsel for the petitioner that, in fact, no recovery has been made from the person or possession of this petitioner, rather the recovery has been made from another place, but in order to implicate this petitioner, the recovery has been shown from the possession of this petitioner. It is further submitted that there is no compliance of the provisions of Section 100 of the Cr.P.C., apart from the fact that this petitioner has absolutely clean antecedent and is in custody since 09.06.2021, inasmuch as the investigation has already been concluded and charge-sheet has been submitted in the present case and there is no allegation against this petitioner for tampering of evidence or intimidating the witnesses.

On the other hand, learned APP for the State submits that a loaded country made pistol has been recovered from the possession of this petitioner.

Having considered the submissions of the parties and taking into consideration this fact that the petitioner having clean antecedent and is in custody since 09.06.2021, apart from the fact that investigation has already been concluded and the charge-sheet has been submitted and there is no allegation of



tampering with the evidence or intimidating the witnesses, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan (Town) P.S. Case No. 297 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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