

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43397 of 2022

Arising Out of PS. Case No.-292 Year-2022 Thana- SAHARSA SADAR District- Saharsa

1. Md. Jafar S/O Md. Nasir @ Naseer Resident Of Village- Saharsa Basti Ward No- 38, P.S. And District- Saharsa.
2. Md. Samim S/O Md. Ajim Resident Of Village- Saharsa Basti Ward No- 38, P.S. And District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Saharsa Sadar P.S. Case No. 292 of 2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of Arms Act.

As per the prosecution, the informant along with other police personnel acting upon a secret information raided the alleged place and apprehended these petitioners and other co-



accused persons and upon making search huge quantity of fire-arms with ammunitions and two motorcycles were recovered. Further it is alleged that the petitioner Md. Samim is owner of the alleged lodge and the other petitioner Md. Jafar is alleged to be a member of a gang of *dacoits* who were planning to commit a *dacoity*.

The main submissions advanced by the learned counsel Mr. Diwakar Prasad Singh appearing for the petitioner are that from the possession of petitioner No.2 only one mobile phone was alleged to have been recovered and nothing incriminating material or any other article was recovered from the possession of petitioner No.1, they have clean antecedent and have been languishing in jail since 13.04.2022

Learned APP Mr. Syed Ehteshamuddin appearing for the State has opposed the bail prayer.

Having considered the facts that from the possession of the petitioners any fire-arm has not been recovered as per the seizure list and petitioner No.1 is not alleged to have any of the objectionable materials at the time of the search and seizure made by the Police and from the possession of petitioner No.2 only one mobile is alleged to have been recovered and both the petitioners have clean antecedent,



in the opinion of this Court a lenient approach can be taken in respect of the petitioners’ prayer, let the petitioners 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 the concerned Court in connection with Saharsa Sadar P.S. Case No. 292 of 2022.

(Shailendra Singh, J.)

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