

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53369 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- THAWE District- Gopalganj

=====

Wazir Ahmad @ Sarfraz Ahmad Son Of Safiullah Ansari @ Mohammad
Safiullah Ali Resident Of Village - Musehari, P.S. - Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Sanjay Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Thawe P.S. Case No.106 of 2021 for the
offences punishable under Sections 414 of the Indian Penal
Code and 25 (1-B) (a)/26 (i) of the Arms Act.

As per the prosecution case, it is alleged that while
the police party was on patrolling duty, they intercepted the
petitioner ,who was riding on a motorcycle without having
registration number and on search one country made pistol
and one live cartridge were recovered.



Learned counsel for the petitioner submits that nothing has been recovered from person and possession of the petitioner rather in course of vehicle checking some altercation took place between the petitioner and the police personnels and thereafter, his name has been implicated in this case showing recovery is made from his possession. It is next submitted that so far as recovery of motorcycle without registration number is concerned, the same is not the stolen property in as much as no FIR or any complaint with regard to theft of motorcycle has been brought on record by the investigating officer. It is also submitted that the alleged recovered motorcycle belongs to another person and has no concern with the petitioner. Learned counsel for the petitioner lastly submitted that though the petitioner is named accused in three other criminal cases, however, he is on bail in all the cases and with regard to the present crime, he is in custody since 29.05.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner was arrested by the police and on search arms and looted motorcycle have been recovered.



Having heard the rival contentions of the parties and taking into consideration the period of custody and also the fact that with regard to the stolen motorcycle, there is no complaint/ FIR nor the owner of the motorcycle has made any claim, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S.Case No. 106 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.



(v) 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 cancelling 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.

(Harish Kumar, J)

N.K/-

U		T	
---	--	---	--

