

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56129 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- AAJAM NAGAR District- Katihar

Md. Wasif @ Md. Fayaque Hussain S/O Md. Ishaq R/O Village-Panka, Post-Sihpur, P.S-Azam Nagar, Sadar-Basoi, District-Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad

For the Opposite Party/s : Mr. Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-04-
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 through video conferencing.

Petitioner seeks bail in a case registered in connection with Azam Nagar P.S.Case No. 120 of 2021 for the offences punishable under Sections 25(1-b) a, 26 of the Arms Act.

As per allegation in the F.I.R, it is alleged that petitioner caught by the police on the basis of suspicion and from his possession one country made pistol with live cartridges were recovered. It is also alleged that petitioner was riding on a motorcycle and also did not produce any paper of the said motorcycle.

Learned counsel for the petitioner submits that



petitioner has no criminal antecedent and he is in custody since 23.05.2021. Charge sheet has already been submitted and there is no chance of his absconding and tempering with the evidence. It is also submitted that F.I.R has been instituted only under the Arms Act. No case of stolen motorcycle has been registered.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the period of custody of the petitioner as also having no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/0- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Azam Nagar P.S.Case No. 120 of 2021, on the following conditions:-“(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(ii) 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”

(Harish Kumar, J)

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