

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56753 of 2021

Arising Out of PS. Case No.-353 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

Md. Nausher @ Nausher, Son of Kyamuddin Miya, R/O Village- Chakiya,
P.S.- Siwan Muffasil, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Learned counsel for the petitioner is permitted to remove 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 Muffasil P.S. Case No. 353 of 2021 for the offences punishable under Sections 399/402 of the Indian Penal Code and Sections 25(1-b) a/26/35 of the Arms Act.

The prosecution case as alleged in the F.I.R. is that on 25.07.2021 the informant along with police personnel raided the semi constructed shop from where eight miscreants have been apprehended. It is further alleged that from the possession of this petitioner one live cartridge was recovered.



It is submitted on behalf of learned counsel for the petitioner that the petitioner is rotting in jail since 26.07.2021 and co-accused Rohit @ Rohit Kumar, who was also apprehended by the police, has already been granted bail by the court below itself. It is also pointed out by the learned counsel for the petitioner that the petitioner is accused in one another case.

On the other hand, learned APP for the State opposes the bail application and submits that one live cartridge has been recovered from the pocket of this petitioner.

Having considered the rival submissions of the parties and taking into account the materials available on record especially in view of the fact that only one live cartridge has been recovered from the possession of this petitioner and he is in custody since 26.07.2021, 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 Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 353 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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