

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47825 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- RAXAUL District- East Champaran

Mumtaz Khan, S/O Naim Khan @ Shekh Naem, Resident of Village- Bada Pareuwa Ward No- 1, P.S.- Raxaul (Haraiya O.P), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 16-12-2022 The applicant is accused in Crime No. 188 of 2022 registered with Raxaul Police Station for the offence punishable under Section 414 of the Indian Penal Code as well as Sections 25 (1-b) a, 26 and 35 of the Arms Act, by this application is seeking the release on bail during pendency of the trial. The application is moved after filing of the charge-sheet.

Heard both sides.

It is seen from the FIR lodged by the police officer that during the course of regular checking, it was found that the applicant and co-accused Faiyaz Khan were coming from the motorcycle and after seeing the police party, they attempted to flee. They came to be apprehended. From possession of the applicant, one live cartridge is seized whereas from possession of co-accused Faiyaz Khan, one country made revolver with one



live cartridge came to be seized. That is how the crime in question is registered.

I have considered the submissions so advanced and also perused the material placed before me.

The applicant is having some criminal antecedent but not pertaining to the offences under the Arms Act. One criminal antecedent is in respect of the offence punishable under Section 498A of the IPC whereas two others are in respect of the prohibition cases. The investigation of the subject crime is over. Hence, further pretrial of the detention of the applicant is not warranted, therefore, the following order:

- i. The application is allowed.
- ii. The applicant in Crime No. 188 of 2022 registered with Raxaul Police Station for the offence punishable under Section 414 of the Indian Penal Code as well as Sections 25 (1-b) a, 26 and 35 of the Arms Act be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the Trial Court with the following conditions :-

(I) The applicant should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

(IV) The applicant should not tamper prosecution evidence in any manner.

The applicant to remove all of office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

(A. M. Badar, J)

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