

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49847 of 2022**

Arising Out of PS. Case No.-299 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Shahbaz Ali S/o Zanuuddin Ali R/o village- Hasanpurwa, P.S.- Siwan Muffasil,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-12-2022 Learned counsel for the petitioner is permitted to remove the defects, 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 is apprehending his arrest in a case registered for the offences punishable under Section 25(1-b)a/26/35 of the Arms Act.

As per prosecution story, in short, is that one country made katta, two live cartridge of size .315, a black coloured Passion Pro motorcycle was recovered from co-accused Prince Ali and another articles i.e. a live cartridge of size .315 was recovered from co-accused Yusuf Ansari and both the apprehended persons disclosed that the seized arms and



ammunition belong to the accused petitioner, namely Shahbaz.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that no arms and ammunition has been recovered from the possession of the petitioner and hence no case is made out under the Arms Act. He further submits that the name of the petitioner has been transpired only on the basis of the confessional statement of co-accused namely Prince Ali and Yusuf Ansari and except the confessional statement of co-accused persons, no cogent material has come during investigation against the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Siwan Muffasil P.S. Case No. 299 of 2022, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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