

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63516 of 2021**

Arising Out of PS. Case No.-140 Year-2021 Thana- AMARPUR District- Banka

SHAHNAWAZ @ SHAHANAVAJ ANSARI @ CHHOTU MIYAN Son of
Md. Rajjak Miyan @ Mohammad Rajak Ansari Resident of village - Takat
Banhara, P.s.- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Amarpur P.S. Case No. 140 of 2021, for the offence punishable
under Section 25(1-b)A, 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on 19.03.2021,
the informant received information that in Dumrawan village, 7-
8 miscreants were extorting money from truck drivers on the
point of gun. Thereafter, informant and other Police personnel
reached at the alleged spot. On seeing the Police party, all the
miscreants started fleeing, but on chase two persons were
apprehended, who disclosed their names Md. Irshad and Vishal



Kumar. The apprehended persons disclosed the name of petitioner and other as his associate, who succeeded to flee away. On search, a country made pistol along with three live cartridges was recovered from the possession of accused Vishal Kumar.

Learned counsel appearing on behalf of the petitioner submits that the for the same incidence, two cases have been lodged against the petitioner otherwise petitioner has clean antecedent. So far as present case is concerned, the petitioner has not been arrested on the spot. The petitioner has been roped in the present case on the basis of confessional statement of co-accused Vishal Kumar in the Police custody, which has no evidentiary value. Nothing has been recovered from the possession of the petitioner. The petitioner has not been put on T.I.P, while he is in custody since 24.04.20221. There is no allegation of tampering the evidence or influencing the witnesses.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, Chargesheet has already been submitted, without going into the merits of the case taking into



consideration the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 140 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this



order will automatically loose its force.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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