

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67257 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- NADI P.S. District- Patna

Mohd. Shabir, S/o Mohd. Kamal R/o Village- Hajrat Ganj, Bara, P.S.- Kasim
Bazar, Munger, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with Nadi P.S. Case No.177 of 2021 instituted under Section 120(B)/34 of the Indian Penal Code and Section 25(1-AA)(i) (ii)/35 of the Arms Act.

As per the prosecution story upon information police raided the house of Ram Eqbal Mahto on 30.06.2021 and found that the said Ram Eqbal Mahto along with his son Randheer Mahto together with number of labourers were in the process of making countrymade revolvers. The articles were seized and the persons present there including the petitioners herein were arrested.

Mr. Manendra Kumar Sinha, learned counsel for the



petitioner submits that he has been victim of circumstances for which he has suffered a lot by being in jail since 30.06.2021. He further submits that he does not have any criminal antecedent and if it is found that contrary to the statement made herein, if there is any case registered against him, if the bail is granted to him , the same may become infructuous.

Considering the aforesaid fact that he is in jail since 30.06.2021, charge sheet has been submitted and he doesn't have any criminal antecedent this Court inclined to grant him the privilege of bail. If, however, it is found that he has made a wrong statement in para-3 about his criminal antecedent, this bail application shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(twenty thousand) with two sureties of the like amount each in connection with Nadi P.S. Case No.177 of 2021 to the satisfaction of learned A.C.J.M., VIth, Patna city/successor court subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, both the bail applications are allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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