

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3041 of 2023**

Arising Out of PS. Case No.-262 Year-2022 Thana- NAUGACHIA District- Bhagalpur

MD. BABLU Son of Md. Biranchi @ Seikh Taslim @ Sk. Taslim Resident of
Village and P.O.- Jhandapur, P.S.- Bihpur, (Jhandapur), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

2 21-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
02.09.2022, in connection with Naugachia P.S. Case No.
262/2022, F.I.R. dated 01.09.2022, for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Section
25(1-B)a, 26, 35 of the Arms Act.

According to prosecution case, on the secret
information that some criminals are planning to commit loot, the
police party has started searching at different places. During
search, one person was caught from whose possession mobile,
country made loaded katta and one live cartridge has been
recovered.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the disclosure made by the co-accused. He further submits that from bare perusal of the seizure list, it appears that no incriminating article has been recovered from conscious possession of the petitioner and only one mobile phone has been recovered from the possession of the petitioner, so, no case under the Arms Act is made out against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 02.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Naugachia, Bhagalpur, in connection with Naugachia P.S. Case No. 262/2022, subject to the 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 witnesses, 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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