

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4275 of 2023**

Arising Out of PS. Case No.-680 Year-2021 Thana- KHAGARIA District- Khagaria

MD. SAKIM @ MD. SHAKIB Son of Late Mokim Resident of Village -  
Mirzapur Vardha, P.S. - Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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

2      27-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
30.08.2022 in connection with Khagaria (Chitragupt Nagar) P.S.  
Case No. 680 of 2021, F.I.R. dated 26.08.2021 for the offences  
punishable under Sections 25(1-B)a, 26(1), 35 of the Arms Act.

Recovery is of four country made pistol and one small  
keypad mobile phone.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case merely on the basis of disclosure made by the co-  
accused namely, Md. Khurshid Alam. He further submits that  
nothing has been recovery from the conscious possession or the  
house of the petitioner and except the disclosure made by the



co-accused namely, Md. Khurshid Alam no other cogent material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 30.08.2022.

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

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and the name of the petitioner has been transpired on the basis of disclosure made by the co-accused namely, Md. Khurshid Alam, 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 Judicial Magistrate 1<sup>st</sup> Class, Khagaria in connection with Khagaria (Chitragupt Nagar) P.S. Case No. 680 of 2021, 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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