

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5755 of 2023

Arising Out of PS. Case No.-293 Year-2022 Thana- KISHANGANJ District- Kishanganj

Rizwan Ahmad Son of Shakil Ahmad R/V- Mohinuddinpur Ward no. 1, P.S-
Kishanganj, dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 24.07.2022, in connection with Kishanganj P.S. Case No. 293 of 2022 giving rise to Sessions Trial No. 261 of 2022, F.I.R. dated 22.07.2022 registered 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.

The prosecution case, in brief, is that on 31.07.2022, the S.H.O. Kishanganj received information that some miscreants have assembled near Ramjan river bridge in order to commit crime. On the basis of said information, the police party reached on the spot and saw a person throwing some article in the river and subsequently, one person was apprehended from the spot who disclosed the name of other



person and thrown article recovered as country made pistol.

Learned counsel for the petitioner submits that the petitioner is innocent 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 on the basis of disclosure made by the co-accused person, some parts of the pistol was recovered from the house of the petitioner. He further submits that co-accused person namely Kaunain Raza has been granted bail by this Court vide order dated 07.04.2023 passed in Cr. Misc. No. 69825 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Additional District & Sessions Judge-III, Kishanganj in



connection with Kishanganj P.S. Case No. 293 of 2022, giving rise to Sessions Trial No. 261 of 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 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 antecedents, 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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