

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8591 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Raju Alam @ Ramij Akram @ Rameez Akram @ Raju Khan, Son of Md.
Ekram Hasan R/V- Simraur, P.s- Nimchak Bathani, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Nimchak Bathani P. S. Case No. 45 of 2022, registered for
the offences punishable under Sections 25(1-b)a, 26 and 35
of the Arms Act, 1959.

As per allegation, the police upon information that
accused persons are staying at the house of the petitioner
with illegal arms, his house was raided. It is further alleged
that despite repeated request, no one opened the door.
Ultimately, by force, the police entered and found a cache of
arms which includes rifle, pistol, cartridges, magazine etc.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner and the house wherefrom allegedly arms were recovered, do not belong to him. He also submits that several co-accused persons have been granted bail by different Benches of this Court *vide* orders dated 29.09.2022, 03.11.2022 and 23.11.2022, passed in Cr. Misc. No. 38120 of 2022, Cr. Misc. No. 38314 of 2022 and other analogous cases and Cr. Misc. No. 40982 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 28.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in 12 other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Gaya, in connection with Nimchak Bathani P. S. Case No. 45 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

skm/-

U		T	
---	--	---	--

