

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15601 of 2023**

Arising Out of PS. Case No.-258 Year-2018 Thana- JAMALPUR District- Munger

Babloo Machhi @ Md. Kalim @ Babloo Son of Md. Alim R/V- Hazratganj
Khankah, P.s- Kasim Bazar, Munger, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

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

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

2 30-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Jamalpur P.S. Case No. 258 of 2018, initially registered for
the offences punishable under Sections 25(1-A), 25(1-AA),
25(1-B)C, 26 and 35 of the Arms Act, subsequently,
Sections 121, 121A, 124A, 379, 419 and 120/34 of the IPC
and Section 39 of UAPA Act were also added.

As per allegation, from co-accused Md. Imran
Alam, arms and other parts of the arms were recovered, who
disclosed the name of the petitioner and other co-accused
persons as his accomplice.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that neither the petitioner was not apprehended from the spot, nor any incriminating material has been recovered from his possession. His name has transpired in the confessional statement of apprehended co-accused.

He further submits that the petitioner has been languishing in jail since 27.11.2022.

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

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, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances and period under custody, **this application is allowed**, directing the petitioner, above- named, to be enlarged on



bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Jamalpur P.S. Case No. 258 of 2018, 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 hampered 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 concealed his criminal antecedents, learned 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, learned 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)

Amrendra/-

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