

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16461 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- IMAMGANJ District- Gaya

1. Zishan Ali Khan @ Zishan Khan Son Of Shane Ali Khan Resident Of Village – Kothi, P.S. - Kothi, Distt. - Gaya
2. Imran Mansuri Son Of Md. Rafique Resident Of Village - Gebal Bigha, P.S. - Rampur, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 22.12.2022 in connection with Imamganj P.S.Case No.247 of 2022, F.I.R. dated 21.12.2022 registered for the offence punishable under Section 399,402 of the Indian Penal Code and Sections 25(1-b), 26/35 of Arms Act.

The case relates to recovery of one mobile phone from possession of the petitioners and arms from possession of other co-accused persons.

Learned counsel appearing for the petitioners submits that petitioner No.2 has clean antecedent and petitioner No.1



carries one more case other than the present one. Further submits that they have falsely been implicated in the present case. Further submits that no arms has been recovered from possession of the petitioners so no case is made out against the petitioners under the Arms Act and it appears from the FIR as well as the seizure list that only one mobile phone has been recovered from possession of the petitioners and the arms has been recovered from other co-accused persons and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 22.12.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,1st Class, Sherghati, Gaya in connection with Imamganj P.S.Case No.247 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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