

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17638 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- PHULPARAS District- Madhubani

Md Isha, Son of Md Yakub, Resident Of Village- Siswabarhi Chatratol, P.S.
Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 17-05-2023 The applicant/accused in Crime No.447 of 2022 registered with Phulparas Police Station for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act, by this application is seeking his release on bail during the pendency of the trial.

2. The learned counsel for the applicant argued that the applicant was found to be possessing one country made fire arm apart from three live cartridges and he is undergoing pre-trial detention from 20.09.2022.

3. The learned Additional Public Prosecutor opposed the application.

4. Perusal of the FIR itself shows that the applicant was an absconding accused in crime No.226 of 2020 registered on 26.05.2020 for offences punishable under Sections 147, 148,



149, 447, 448, 323, 307, 380, 427, 506 and 504 of the Indian Penal Code as well as under Section 27 of the Arms Act. On the basis of secret information, he was apprehended and at that time he was found to be again possessing the illicit fire arms apart from live cartridges. The applicant is having seven criminal antecedents.

5. As the applicant was an absconding accused when he was arrested by police, this Court is not satisfied as to availability of the applicant for facing the trial which is main criteria for grant of bail.

6. Hence, the application is accordingly rejected.

(A. M. Badar, J)

Saurabhkrsinha/
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