

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19389 of 2023

Arising Out of PS. Case No.-300 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Md. Sakim @ Md. Samim Son Of Md. Sarif Resident Of Village - Kaparpura,
P.S. - Kanti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with S.Tr. No. 77/2023 arising out of Motipur P.S. Case No. 300 of 2022 registered on 18.08.2022 for the alleged offences under Sections 399, 400, 401 and 402 of the Indian Penal Code and Section 25(1-b)a and 26 of Arms Act.

3. As per prosecution case, during checking of vehicles, a marshal vehicle was chased due to its suspicious activities and a number of persons were apprehended who tried to flee away when the vehicle was caught in a jam. The petitioner was one of the apprehended persons and from his possession a loaded *katta* with one live cartridge were recovered. Further recovery of firearms and ammunitions and a



knife was made from other co-accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession and the recovery shown from the petitioner is false. The petitioner is in custody since 20.08.2022 and charge-sheet has been submitted. A co-accused person who was apprehended along with this petitioner, namely, Md. Ajad has been granted bail by a Coordinate Bench of this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 2513 of 2023.

5. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedent of five cases.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XX, Muzaffarpur/court concerned in connection with S.Tr. No. 77/2023 arising out of Motipur P.S. Case No. 300 of 2022, subject to the conditions mentioned in Section 437(3) of the



Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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