

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26780 of 2023

Arising Out of PS. Case No.-193 Year-2022 Thana- KASIMBAZAR District- Munger

MD. DANISH S/O MD. NAZIRUDDIN R/O MOHALLA- TOPKHANA
BAZAR, P.S- KOTWALI, DISTT.- MUNGER.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 26.07.2022 in connection with S.Tr.No.429 of 2022 arising out of Kashim Bazar P.S. Case No. 193 of 2022, F.I.R. dated 19.07.2022 registered for the offence punishable under Sections 25(1-b)a/26(i)(ii)/35 of the Arms Act.

As per prosecution case, some miscreants, possessed with fire arms, committed theft in the house of one Kailash Mandal. It is further alleged that during investigation, two country made pistols and four cartridges were recovered near the bush.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present



case. Further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made near the Bush on the basis of the disclosure made by the co-accused persons. Further submits that the similarly situated co-accused persons, namely, Md. Munna and Md. Mustakim have been granted bail by different Coordinate Benches of this Hon'ble Court vide orders dated 17.05.2023 and 18.05.2023 passed in Cr. Misc. Nos.19453 of 2023 and 18928 of 2023 respectively and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Munger in connection with S.Tr.No.429 of 2022 arising out of



Kashim Bazar P.S. Case No. 193 of 2022, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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