

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23216 of 2023**

Arising Out of PS. Case No.-437 Year-2022 Thana- BANMANKHI District- Purnia

MD. KALAM Son of Md. Muslim R/V- Bisanpur Dutt, PS- Banmankhi, Dist-  
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-06-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
10.12.2022 in connection with Banmankhi P.S. Case  
No.437/2022, F.I.R. dated 09.12.2022, for the offences  
punishable under Sections 25(1-B)A, 26 of Arms Act.

According to prosecution case, one country made  
pistol is said to have been recovered from the possession of the  
petitioner.

Learned counsel for the petitioner submits that  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that it appears  
from the F.I.R. as well as seizure list that one country made  
pistol has been recovered from the possession of the petitioner



and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Purnea in connection with Banmankhi P.S. Case No. 437/2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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