

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29235 of 2023**

Arising Out of PS. Case No.-794 Year-2022 Thana- LAKHISARAI District- Lakhisarai

MOHAMMAD AFROJ @ MD. AFROJ Son of Md. Jamal Hussain @ Md. Jamal R/V- Vardah, PS- Muffasil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shruti Sinha,Advocate

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

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

3 24-07-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 06.10.2022 in connection with Lakhisarai (Kabaiya) P.S. Case No. 794 of 2022, F.I.R. dated 05.10.2022 registered for the offence punishable under Sections 25(1-b)26/35 of the Arms Act.

3. The case relates to recovery of four country made pistols, eight magazines, 25 live cartridges, 4000/- rupees cash and one mobile phone from possession of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that from bare perusal of the FIR as well as the seizure list that four country



made pistols, eight magazines, 25 live cartridges, 4000/- rupees cash and one mobile phone have been recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of the Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner on 30.11.2022 and the petitioner is in custody since 06.10.2022.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner but fairly submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case.

6. Considering the aforesaid facts, 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 C.J.M., Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 794 of 2022, with the following conditions:-

(I) 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.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

