

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37604 of 2023**

Arising Out of PS. Case No.-46 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Golu @ Faizan @ Farzan Nasir Son Of Nasrul Hoda Nasir R/O Mohalla Near
Naka No.- 5 Kotwali Chowk, P.O.- Lalbagh, P.S.- Laheriasarai, District -
Darbhanga - 846004, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Shahnawaz Ali, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-06-2023 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Darbhanga Sadar (Mobbi OP) P.S. Case No. 46/2023 registered
for the offence under Sections 353, 120(B)/34 of the Indian
Penal Code and Section 25(1-B)a/26/35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.01.2023.

The allegation against the petitioner is to assemble
alongwith other named and 40-50 unknown co-accused persons
at Bazar Samiti Chowk and planning for committing cognizable



offence, where on said information, a raid was conducted by informant, who is the police personnel and subsequent thereof the petitioner was apprehended having possession of one country made pistol alongwith four live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that no specific overt act attributed to this petitioner towards commission of apprehended cognizable offence as raised through FIR, whereas the maximum incrimination as appears against this petitioner to have in possession of one country made pistol alongwith four live cartridges. It is submitted that the allegation of pointing pistol towards police personnel is against co-accused, namely, Prem Kumar and the allegation against this petitioner is appearing very much general and omnibus to be the part of mob assembled to commit alleged cognizable offence. It is pointed out that petitioner involved in eight more criminal cases, where he is on bail and one of the reason of implication of this petitioner is also a suspicion arises out of said criminal antecedents. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.



Considering the facts and circumstances as mentioned above and by taking note of allegation against this petitioner which appears very much general and omnibus except possession of one country made pistol alongwith four live cartridges, coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 23.01.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Darbhanga Sadar (Mobbi OP) P.S. Case No. 46/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Darbhanga/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with a further condition:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) If the petitioner tampers with



the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(iv) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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