

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34726 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- AKBARPUR District- Nawada

MD. NADIR ALI S/O LATE MD. MUSTAKIM ANSARI R/O Village-
Farha, P.S- Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Akbarpur P.S. Case No.129 of 2022 instituted under Sections 25(1-a), 25(1-aa), 25(1ac), 25(1-b)a, 26 & 35 of the Arms Act lodged on 29.03.2022 by the informant Ajay Kumar.

As per the FIR, while the police was conducting raid in the house of the petitioner with respect to recovery of some arms and ammunition, two persons tried to escape but was arrested by the police and on interrogation, they disclosed their names as Mister @ Md. Alamgir Ansari and Md. Enul @ Md. Chhotu @ Chhotu and on search of their persons, one country made pistol along cartridges were recovered from their possession they named the person who escaped. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has



not been apprehended from the spot nor anything recovered from his conscious possession and those who were arrested have subsequently been released on bail by coordinate bench of this Court vide Cr. Misc. No.46213 of 2022 (Md. Imteyaz & Ors. Vs. The State of Bihar). The last submission is that he is in custody since 03.01.2023.

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that he is in custody since 03.01.2023 and others similar placed co-accused have been released on bail, as stated, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Akbarpur P.S. Case No.129 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Nawada , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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