

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36027 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PURNEA SADAR District- Purnia

1. AFSHAR ANSARI @ AFSAR ANSARI SON OF MD. IJHAR ANSARI
RESIDENT OF VILLAGE- RAMPUR DEHRU, PS- BIHARIGANJ,
DISTT- MADHEPURA
2. MD. ANJAR SON OF MD. HALIM RESIDENT OF VILLAGE- PURAINI,
BAZAR WARD NO. 11, PS- PURAINI, DISTT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Purnea Sadar P.S. Case No.49 of 2023, lodged on 16.01.2023
under Sections 399/402 of the Indian Penal Code and Sections
25(1-B)/26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against five named accused persons who were
apprehended by the police upon secret information.

4. Learned counsel for the petitioners submits that the
petitioners are one of the accused persons who were
apprehended by the police. He further submits that from the



seizure list, it is transpired that the pistol was recovered from the possession of co-accused namely, Sajan Kumar whereas from the possession of petitioners mobile phones were recovered. He further submits that the said mobile phones belong to the petitioners and apart from the said mobile phones neither any incriminating article has been recovered from the possession of the petitioners nor the petitioners have been put on Test Identification Parade. He further submits that the case under Arms Act has not made out against the petitioners as nothing has been recovered from their conscious possession. He further submits that the petitioners are in custody since 07.01.2023 and apart from the present case two other criminal cases are also pending against there wherein they are persuading for bail

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Purnea Sadar P.S. Case No.49 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C.with



other following conditions:

A. The petitioners shall support in trial and shall appear physically before the trial court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file affidavit before the court about their relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J)

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