

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47209 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

Zikrullah Ansari @ Jikrullah Ansari Son Of Nabijan Ansari @ Navijan Miya
Resident Of Village- Chailaha Mauje, Ps- Banjariya, District- East
Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Town
(Nagar) P.S. Case No. 140 of 2023 registered for the offence
under Sections 399 and 402 of the Indian Penal Code and
Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 05.02.2023.

4. The allegation against the petitioner is to have in



possession of one loaded countrymade pistol alongwith one live cartridge.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of firearm not appears to be recovered from the conscious physical possession of this petitioner, where seizure list is supported by police personnels not by independent witnesses. While concluding the argument, it is submitted that petitioner is implicated with present case due to suspicion arising out of his criminal antecedents as he found involved in six more criminal cases, where he is on bail in four cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as seizure list witnesses are police personnels, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.02.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Town (Nagar) P.S. Case No. 140 of 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 Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) 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.

(ii) 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.



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

(Chandra Shekhar Jha, J)

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