

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36214 of 2022

Arising Out of PS. Case No.-604 Year-2021 Thana- SIKARPUR District- West Champaran

MD. SAHABUDDIN SON OF MD. DILSAD RESIDENT OF WARD NO.-
24 DIULIYA, P.S.- SHIKARPUR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36702 of 2022

Arising Out of PS. Case No.-605 Year-2021 Thana- SIKARPUR District- West Champaran

MD. SAHABUDDIN SON OF MD DILSHAD R/O- WARD NO. 24
DIULIYA, P.S.- SHIKARPUR, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36214 of 2022)

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Ms.Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 36702 of 2022)

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Ms.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 10-05-2023 Heard the parties.

Petitioner in both the bail applications has prayed for grant of regular bail in connection with Sikarpur PS Case No. 604 / 2021 dated 03.11.2021 instituted under Section 457 & 380 of the IPC and Sikarpur PS Case No. 605 / 2021 dated 03.11.2021 registered under Section 25(1-b)a, 26 & 35 of the



Arms Act respectively.

Two FIR have been lodged for the same incident. 1st FIR i.e. Sikarpur PS Case No. 604 / 2021 has been filed on the basis of the written report of the informant regarding theft of his service pistol along with cartridges and the 2nd FIR i.e. Sikarpur PS Case No. 605 / 2021 has been filed after recovery of the stolen article from the petitioner and another co-accused.

The prosecution case in nutshell is that the informant is the Personal Security Officer of the sitting MLA of Sikta namely, Mr. Virendra Prasad Gupta. After his duty was closed, he slept in the residence of the MLA keeping the service pistol and cartridges in his bag, but the same was found missing the next morning as such an FIR i.e. Sikarpur PS Case No. 604 / 2021 was lodged against unknown person. The Police during the course of investigation recovered the stolen article including service pistol and cartridges from the possession of the petitioner and one another accused person namely, Md. Irfan and lodged another FIR i.e. Sikarpur PS Case No. 605 / 2021 under the Arms Act.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to political rivalry and he has not committed any offence in the manner



alleged. He next submits that petitioner is a political activist and he is a member of the family of local Mukhiya who does not support the sitting MLA of Sikta constituency. The petitioner is in custody since 03.01.2022 in connection with Sikarpur PS Case No. 604 of 2021 and 04.11.2021 in connection with Sikarpur PS Case No. 605 of 2021.

On the other hand, learned counsel for the State submits that stolen pistol has been recovered from the possession of the petitioner and seizure list was prepared having the signature of the petitioner upon it.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that petitioner is in custody since 31.01.2022 & 04.11.2021 respectively in the aforesaid cases, charge sheet has already been submitted, charges have been framed on 11.04.2023 and there is no likelihood that the petitioner will abscond or tamper with the evidence, as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, in Cr. Misc. No. 36214 of 2022 & Cr. Misc. No. 36702 of 2022 be released on regular bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) in each case, with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Sikarpur PS Case No. 604 / 2021 & Sikarpur PS Case No. 605 / 2021 respectively on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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