

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46938 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

IRSHAD ALI SON OF AMIR HASSAN @ AMIR HASAN ANSHARI
RESIDENT OF VILLAGE -BHOJPURWA, P.S- MANJHAGARH,
DISTRICT -GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 87 of 2023 registered for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The petitioner is apprehended having unlawful possession of one loaded country made pistol along with one mobile.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. and



the seizure list that one loaded country made pistol along with mobile have been recovered from the conscious possession of the petitioner. He further contends that, in fact, nothing incriminating has been recovered from the conscious possession of the petitioner rather the recovery has been planted with ulterior motive. He further submits that Section 100 of the Cr.P.C. has not been compiled by the prosecution while preparing the seizure list. Moreover, co-accused, Prem Kumar, Danish Khan and Prashant Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023, 03.07.203 and 05.07.2023 passed in Cr. Misc. No. 25541 of 2023, Cr. Misc No. 37749 of 2023 and Cr. Misc. No. 39084 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.02.2023.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Gopalganj in connection with Kuchaikote P.S. Case No. 87 of 2023 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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