

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47658 of 2022

Arising Out of PS. Case No.-622 Year-2022 Thana- PHULWARISHARIF District- Patna

MD. ASHIF @ CHHOTU @ MD. ARIF Son of Late Hamid Raza R/V-
Ishopur Murgiya Tola, P.S- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 419, 420, 467, 468, 471, 414, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 30 of the Arms Act.

According to prosecution case, on 04.06.2022 at 00.30 in the night, while the informant along with other police personnel proceeded from the police station for conducting raid and when he reached near Ishopur canal bridge, he saw a white colour Fortuner bearing registration no. BR01 EX 7777 was parked and three persons were sitting in the vehicle wearing Black coloured commando dress having double barrel gun. Second person was sitting in the middle seat and third was



sitting on the seat of driver. All disclosed their names as Md. Ashif @ Chhotu (petitioner), Raspal Singh and Rajneet Singh and the person who was possessing gun did not produce any valid paper. During course of patrolling, it was learnt that near Ishapur one person used to move on vehicle along with armed persons and used to terrorize the people to capture the land illegally and the local people did not protest him due to fear. Thereafter all the three persons were searched in presence of two constables namely Asgar Ali and Ramesh Kumar and beside the seat of driver, four walki talki, one folding stick, one dagger, double barrel of 12 bore and one Fortuner vehicle bearing registration no. BR01 EX 7777 were recovered. Thereafter seizure list was prepared on which both the witnesses put their signature.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that no case is made out against the petitioner and the arms is licency one and belongs to one Raspal Singh, who was accompanied with the petitioner and during investigation, no other cogent material has come against the petitioner. The police after investigation submitted the charge sheet against the



petitioner. The petitioner is in custody since 05.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Phulwarisharif P.S. Case No. 622 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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