

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56667 of 2023

Arising Out of PS. Case No.-32 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Md Babloo @ Ekbal Son Of Jamal @ Md. Jamaluddin Resident Of Mirjapur
Bardah, P.S. - Naugachia, District – Bhagalpur Petitioner/s
Versus

The State Of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel as also the State.

The petitioner is in judicial custody in connection with Naugachia P.S. Case No. 32 of 2021 for the offence punishable under Sections 25(1-A), 25(1-AA), 25(1-B)a,26 (i) (ii), 35 of the Arms Act lodged on 25.1.2021 by the informant, Shailesh Kumar.

As per the prosecution story, the allegation is that the police intercepted and apprehended one Arms Dealer Md. Sonu and recovered semi manufactured pistol and live cartridges whereas from Arvind Kumar Rs. 20,000/- was recovered. The apprehended persons informed that the petitioner has sent Arvind Kumar to purchase the semi manufactured arms for Rs. 20,000/- which the petitioner transform into finished products and sells them.

It is the case of the learned Senior Counsel that



actually recovery is from Md. Sonu and only on the confession that it was intended for the petitioner, he has been implicated. Further, both Arvind Kumar and Md. Sonu have been granted bail by the subordinate court itself though it is not clear that whether both of them have criminal antecedent or not.

Learned APP on the other hand submits that a bare perusal of para-3 would show that he is habitual offender inasmuch there is half and dozen criminal cases against him of the same nature.

Considering the fact that actual recovery is from Md. Sonu, one Arvind Kumar has been arrested along with Rs. 20,000/-, it is their case that this amount was given by the petitioner for the purchase of the semi manufactured pistol, both of them have been granted bail by subordinate court, this Court is inclined to extend him the privilege of bail only after framing of the charges in view of the fact that he has half of dozen cases of the same nature

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Naugachia, Bhagalpur, in connection with Naugachia P.S. Case No. 32 of 2021 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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