

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52576 of 2023**

Arising Out of PS. Case No.-271 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Md. Saddam Son Of Md. Munna R/O-Phulwaria (Pokhar Mohalla), P.S.-
Phulwaria, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
03.05.2023 in connection with Begusarai Sadar (Lohiyanagar
O.P.) P.S. Case No. 271 of 2023, F.I.R. dated 21.04.2023 for the
offences punishable under Sections 120(B) of the Indian Penal
Code and Section 25(1-B)a, 26, 35 of the Arms Act.

3. Recovery is of one country made Katta, Khokha and
cartridge.

4. 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.
as well as seizure list nothing has been recovered from the
conscious possession or the house of the petitioner rather the



recovery has been made from the house of co-accused Chandan Mahto and petitioner has no concern at all with the alleged recovery of the arms and ammunition and in fact petitioner was in judicial custody since 25.02.2023 in connection with Barauni Rail P.S. Case No.271 of 2022 and the present F.I.R. was instituted on 21.04.2023 and the petitioner has remanded in the present case from Barauni Rail P.S. Case No.271 of 2022 on 03.05.2023 and except the suspicion no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one, but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

6. 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 Chief



Judicial Magistrate, Begusarai in connection with Begusarai
Sadar (Lohiyanagar O.P.) P.S. Case No. 271 of 2023, 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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