

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52186 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- RIGA District- Sitamarhi

Md. Safi Ahmad @ Saffi Ahmad @ Pyare Son Of Rafiuddin Resident Of
Village- Kashaiyapatti, P.S- Bajpatti, Ward No. 13, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Neeraj Kumar Alias Sanidh, Advocate
	:	Mr.Ashwani Raj Narayan, Advocate
For the Opposite Party/s	:	Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
12.03.2023 in connection with Riga P.S. Case No.70 of 2023,
F.I.R. dated 19.02.2023 registered for the offence punishable
under Sections 399,402,414,120(B) of IPC and Sections 25
(1-b) a, 26, 35 of the Arms Act.

3. On search, one loaded country made pistol
recovered from possession of Bablu Kuamr @ Amit Kumar.
One country made pistol recovered from the possession of
Prince Kumar. One mobile phone, one Pulsar motorcycle and
one Glamour motorcycle recovered from possession of the
petitioner.



4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that no arms has been recovered from possession of the petitioner rather the arms has been recovered from possession of other co-accused persons and one mobile phone and two motorcycles have been recovered from possession of the petitioner. Learned counsel for the petitioner submits that in absence of any FIR with respect to the recovered articles which was recovered from possession of the petitioner no case is made out against the petitioner under Section 420 of IPC and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.03.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, 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 learned A.C.J.M.-IV,



Sitamarhi in connection with Riga P.S. Case No.70 of 2023,
with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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