

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53406 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- MALAYPUR District- Jamui

Md. Irshad Son Of Late Md. Mustakim @ Md. Mustakin Resident Of Village-  
Mirjapur Bardah, P.S- Muffasil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

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

2      23-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since  
05.01.2023, in connection with Malaypur P.S. Case No. 01 of  
2023, F.I.R. dated 04.01.2023 registered for the offences  
punishable under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. The case relates to recovery of three pistols, two  
blank magazine and one loaded magazine.

4. Learned counsel for the petitioner submits that  
the petitioner is innocent and he has been falsely implicated in  
the present case. He further submits that it appears from the  
F.I.R. as well as seizure list that three pistols, two blank  
magazine and one loaded magazine have been recovered from  
the possession of the petitioner. He further submits that there is



non compliance of Section 100 of the Cr. P.C. and in fact nothing has been recovered from the conscious possession of the petitioner rather the police has planted the same and shown that the recovery has been made from the possession of the petitioner. The petitioner is in custody since 05.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the cases..

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Malypur P.S. Case No. 01 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 witness, 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 antecedents, 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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