

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50698 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Noorshad @ Don @ Nurshed @ Don @ Noorshad Alam, son of Matiur Rahman, resident of village- Pathimari, Jagir ward no. 2, P.S. Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 11-04-2023 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Kochadhaman P.S. Case No. 346 of 2021 dated 18.12.2021 registered for the offences punishable under Sections 399, 401, 402, 412, 413, 414 of the Indian Penal Code and Sections 25(1-b) a, 26, 35 of the Arms Act and Sections 3/4 of the Explosives Act.

As per the prosecution, police personnel on secret information conducted a raid at the alleged place and apprehended this petitioner with other co-accused persons and upon search from the possession of this petitioner an automatic pistol loaded with three live cartridges and two mobile phones



were recovered. Further it is alleged that other incriminating articles including firearms were also recovered from the possession of other co-accused persons and they are alleged to be involved in making of explosives for committing offensive act.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner has been languishing in jail since 19.12.2021 in the present matter, though against him there are criminal antecedents of several cases but he has been acquitted in two cases and after his arrest in the present matter he was implicated in many other cases by the police merely on the basis of suspicion and his signature was taken on a plain paper and the same was used as a confessional statement of the petitioner.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. As per the prosecution, an automatic loaded pistol, three live cartridges and two mobile phones were recovered from the conscious possession of this petitioner and at the alleged place of occurrence 10-15 accused persons had gathered and when the police party arrived at that place, some



managed to escape but some accused including the petitioner were apprehended and from the possession of co-accused persons firearms, bomb like materials and several motorcycles were recovered and petitioner is stated to be the leader of the gang of the said accused persons and against him there are several criminal cases as mentioned in his petition itself and FIR also, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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