

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59620 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- BHARGAMA District- Araria

MD. NAZRUL S/O Enus R/O Ward No. 3, Mahathawa Bazar, Sirsia,
Hanumanganj, Police Station- Bhargama, Distt.- Araria-854334.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Kumar Ravish, learned counsel for the

petitioner and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest
connection with Bhargama P.S. Case No. 102 of 2023, F.I.R.
dated 15.04.2023 registered for the offences punishable under
Sections 25(1-B) a/26/35 of the Arms Act.

3. The case relates to recovery of *Katta*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case on the basis of confessional statement of co-
accused person namely Md. Qayum. He further submits that it
appears from the F.I.R. nothing has been recovered from the
possession of the petitioner and except the confessional



statement of co-accused, no other material has come to suggest the involvement of the petitioner in the present occurrence and petitioner has no concern with the alleged recovery or the co-accused person.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the pending case. .

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Araria in connection with Bhargama P.S. Case No. 102 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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