

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56165 of 2022

Arising Out of PS. Case No.-137 Year-2022 Thana- KURSAKANTA District- Araria

Md. Abdulla @ Md. Abdullah Son of Abdul Quddus R/V- Mirzapur Diyari,
PS- Bousi, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 307, 116, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

One country made pistol, 5 live cartridges and one mobile has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. the petitioner and other co-accused persons were apprehended with arms. He further submits that it is alleged in the F.I.R. that some person has fired



upon the police party and there is no injury report on record and no one had sustained injured and hence no case is made out under Section 307 of the Indian Penal Code. He further submits that it appears from the F.I.R. as well as seizure list that one country made pistol, five live cartridges and one mobile have been recovered from the possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.07.2022.

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

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 Court below where the case is pending in connection with Kursakanta (Kuwari) P.S. Case No. 137 of 2022, with 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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