

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56480 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- KHAJANCHI HAT District- Purnia

MD. WASI @ MD. VASEE @ WASI AHMAD, Son of Late Abdul Gaffar,
Resident of Sabutar, Ward No.- 10, P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussain, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with K. Hat (Madhubani) P.S. Case No. 198 of 2022 registered for the offence punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case alleges that one Bikku Kumar and Ashik Kumar have been apprehended with country made pistol and two live cartridges. Ashik Kumar has stated in police custody that he has purchased the same from the petitioner and sold it to the other co-accused Bikku Kumar, with a view to make profit.

Learned counsel for the petitioner submits that implication is based only on statement of co-accused. The same has led to no recovery of any incriminating material from the petitioner. Apart from the statement of co-accused, the petitioner's implication is based on his own confessional statement. He has one antecedent i.e. K. Nagar P.S. Case No. 112 of 2022, in which he is on bail, as per disclosure made in para 3 of the bail petition. In the instant case, he is in custody since 28.03.2022.



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

Considering the prosecution case which alleges no recovery from the petitioner, his manner of implication and the period of custody, this Court is inclined to allow the petitioner's prayer for bail.

Prayer for bail of the petitioner is allowed.

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 the learned Chief Judicial Magistrate, Purnea, in connection with K. Hat (Madhubani) P. S. Case No. 198 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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