

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64059 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- PATEPUR District- Vaishali

Md. Gauhar Ali @ Gabbar Son Of Late Md. Abhinazan @ Aminajam @
Abhinazab @ Amin Azam Village- Bangra Madarasa Chawk, Ps- Maniyari,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rina Sinha

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for
grant of regular bail in a case registered for the offences
punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case relates to recovery of one loaded
pistol, one live cartridge and one iron magazine from the
possession of the petitioner.

It is submitted by learned counsel for the petitioner
that the petitioner is innocent and has committed no offence. He
has falsely been implicated in the present case. He has no
concern with alleged arms which were seized by the police.
Both the seizure list witnesses are police personnel which is



complete violation of Section 100 of Cr.P.C. Similarly situated other co-accuse namely, Kaushal Kumar has already been enlarged on bail by another coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No.32960 of 2023. The petitioner is languishing in judicial custody since 13.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Patepur P.S. Case No. 334 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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