

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61867 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- KALUAHI District- Madhubani

MD. MOSHIM son of Md. Hakim Village- Malmal Ps- Kaluahi Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
09.07.2023 in connection with Kaluahi P.S. Case No. 143 of
2023, F.I.R. dated 08.07.2023 for the offences punishable under
Sections 399 and 402 of the Indian Penal Code and Section
25(1-b)a, 26/35 of the Arms Act.

3. According to prosecution case, the informant got an
information while patrolling and caught hold of the miscreants
and on search a country made pistol and mobile phones were
recovered from the possession of the accused.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a



bare perusal of the FIR and seizure list that no incriminating article has been recovered from the possession of the petitioner and the arms were recovered from the other co-accused persons and only one mobile phone has been recovered from the possession of the petitioner and the petitioner is in judicial custody since 09.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, 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 J.M 1st class, Madhubani in connection with Kaluahi P.S. Case No. 143 of 2023, subject to 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 witnesses, 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)

Adnan/-

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