

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64165 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- BANMANKHI District- Purnia

Md. Gulzar Son Of Md. Sharif Village- Ramjani, Ward No. 5, Ps- Janki
Nagar, Dist- Purnea

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr. Md. Hussain, learned counsel for the

petitioner and Mr. Nityanand, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Banmankhi P.S. Case No. 331 of 2023, F.I.R. dated 12.07.2023 for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Recovery is of one country made loaded pistol along with other articles such as mobile phone, knife and SIM cards.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons, namely, Md. Mustafa and Md.



Firoz. He further submits that from perusal of the F.I.R as well as seizure list it appears that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that except the disclosure made by the co-accused, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 331 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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