

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62659 of 2022

Arising Out of PS. Case No.-348 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

MD. ALI Son of Abdul Barik Resident of Village- Daulatpur, Ward No.-1,
P.S.- Warisnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Muffasil
(Singhaul OP) PS Case No. 348 of 2022 registered for the offence
punishable under Sections 25(1-B)A/26 of the Arms Act.

It is alleged that four (04) country made pistols have been
recovered from a black bag being carried by the petitioner.

The learned counsel for the petitioner submits that from
the First Information Report (*for brevity FIR*), it is apparent that no
arms was recovered from possession of the petitioner. Recovery is
from the bag, which does not belong to the petitioner. Recovery has
been attributed to him on account of his presence near the place from
where the bag containing arms was recovered. It is submitted that
investigation is complete.

Petitioner is in custody since 04/07/2022 having no
criminal antecedent.

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

Considering the rival submissions, manner of accusations,
seizure memo, clean antecedent and period of custody as also the fact



that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. 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 Begusarai, in connection with Muffasil (Singhaul O.P.) P S Case No. 348 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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