

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 62135 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Md. Imteyaz Son of Md. Illias @ Mansoor Ahmad R/o Village - Hemjapur,
P.S.- Amas, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Nimchak Bathani P.S. Case No. 45 of 2022 lodged under
Sections 25(1-B)a, 26, 35 of the Arms Act.

As per the prosecution case, the police has got secret
information that at the house of accused Raju Khan, strangers
are staying with illegal arms. Upon information, the police had
surrounded the house of Raju Khan and thereafter, 10 named
accused persons including petitioner were arrested. The house
they were apprehended, 4 rifles of 315 bore, one pistol, one
double barrel gun, 7 cartridges, 9 live cartridges of 12 bore, 40

live cartridges of 315 bore, one *desi katta* and series of mobiles were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is the distant relative of Raju Khan. He has visited to attend a function in the nearby locality and stayed there in his house. In the meantime, police raid and from the conscious possession of the petitioner, only 2 mobile sets, one from MI company and another from Samsung company are said to be recovered. Counsel submits that there is one criminal case pending against the petitioner in which he is on bail. Counsel further submits that petitioner is in custody since 20.03.2022 which is about one year.

Learned counsel for the State opposes the prayer for bail and submits that upon information that criminals are taking shelter in the house of Raju Khan, raid was made.

Upon specific query from counsel for the petitioner that whether charge has been framed in this case or not counsel submits that he is not confirmed that charge has been framed or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to

the petitioner at present but liberty is hereby granted that he may renew his prayer for bail after framing of charge and upon his move, the Trial Court shall release him on bail imposing conditions so that he may not evade his appearance during trial.

If charge has already been framed in this case, in that case the petitioner shall be released on the conditions mentioned above.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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