

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64458 of 2022

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

MD. MONAZIR HASAN Son of Md. Suleman Ahmed Resident of Mohalla-
Kaghazi, P.S.- Biharsharif, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-b)a, 26, 35 of the Arms
Act.

According to prosecution case, on 27.03.2022 the
informant alongwith other police personnel got information that
at the house of one Raju Khan, peoples from outside have come
with huge amount of fire arms with an intention to cause
uncalled for incident. On getting the said information, the Police
Party raided the house of one Raju Khan and seized fire arms
and cartridges. Around 10 peoples from the said place were also
found present and on query made by the Police, they did not
give any satisfactory reply.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing was recovered from the conscious possession or the house of the petitioner, rather the recovery has been made from the house of the one co-accused namely Raju Khan. He further submits that only one Samsung Mobile phone has been recovered from the possession of the petitioner so no case is made out against the petitioner under the Arms Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.03.2022.

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

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 Court below where the case is pending in connection with Neemchak Bathani P.S. Case No. 45 of 2022, 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)

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