

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70719 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- NOORSARAI District- Nalanda

MD. ISRAIL Son of Md. Jalaluddin Resident of village - Andhana, P.S.-
Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Noorsarai P.S. Case No. 208 of 2023 lodged under Sections 399,
402, 412 and 414 of the I.P.C. read with Sections 25(1-b)a/ 26
and 35 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named accused persons including the present
petitioner that they have apprehended with a *Toto* and police has
arrested them and recovered some materials including the arms.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that from the petitioner's possession, one mobile set has been
recovered. He also submits that the pistol has been recovered



from one accused, namely, Md. Danish. He submits that after filing the present case, 3 more cases has been lodged against the petitioner by the police.

5. Counsel further submits that petitioner is in custody since 09.05.2023 and there are three criminal cases pending against the petitioner. Counsel also submits that the other co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 69196/2023 and the other 2 accused persons, the arms has been recovered.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 208 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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