

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69196 of 2023

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

MD. DANISH S/O MD. NASARUDDIN @ MD. NESARUDDIN R/O
VILLAGE- GAURIBIGHA, P.S- CHANDI, DISTT.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 399, 402, 412, 414 of the Indian Penal Code and Sections 25(1-B) a, 26, 35 of the Arms Act.

The prosecution case as per F.I.R is that the informant received information that criminals have assembled to commit some offence. The informant accordingly arrested four persons including the petitioner and recovered country made pistol, live cartridges and smart phones. There is recovery of one country made



pistol and one live cartridge from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner rather recovery is from public place. The petitioner has no concern with the seized arms or the accused persons. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Similarly situated co-accused namely, Md. Chand has already been enlarged on bail by this Bench vide order dated 11.09.2023 passed in Cr. Misc. No. 59829 of 2023. The petitioner is languishing in custody since 09.05.2023.

In contra, learned A.P.P for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/-
(Ten Thousands) with two sureties of the like amount
each to the satisfaction of learned Judicial Magistrate 1st
Class, Nalanda at Biharsharif in connection with
Noorsarai P.S. Case No. 208 of 2023.

(Sunil Kumar Panwar, J)

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