

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68059 of 2023

Arising Out of PS. Case No.-175 Year-2023 Thana- SINGHESHWAR District- Madhepura

Md. Hashim @ Md. Hasin Son of Md. Israil Resident of Village - Sukhasan,
Police Station - Singheshwar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Singheshwar P.S. Case No. 175 of 2023, lodged on 18.06.2023, under Sections 457/380/511/506 of the Indian Penal Code and under Sections 25(1-b)A/26/37B of the Arms Act.

3. As per the prosecution case, FIR has been lodged against sole petitioner with allegation that he entered in the house of the informant and tried to open the Godrej. Upon noise, the informant reached there and caught the petitioner



from whose possession one *Desi Katta* and mobile were recovered. He was found opening the Godrej of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the antecedent of the petitioner is clean. He is in custody since 19.06.2023. Counsel submits that under conspiracy his name has figured in the case. Counsel further submits that recovery of arms is not from his possession and under Section 37 of the Arms Act when recovery has not been made by the police or Magistrate then in that case the accused has right to be released on bail by the Magistrate executing upon.

5. Learned counsel for the State opposes the prayer for bail and submits that even though under Section 37 of the Arms Act he has right to be released on furnishing bond before the Magistrate, but other offences, i.e., Sections 380 and 511 of the Indian Penal Code, shall go.

6. In this view of the matter, 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 the charges and the trial Court is directed to release the petitioner on bail imposing conditions so that he may not



evade appearance during trial.

7. With this direction, the application is disposed of.

(Dr. Anshuman, J)

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