

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70751 of 2023

Arising Out of PS. Case No.-867 Year-2020 Thana- ARARIA District- Araria

MD. AAJAM @ MD.AZAM KHAN @ AZAM S/O ZIYAUL MISTREE
RESIDENT OF VILLAG-RAHIMPUR, KHABDHA, WARD NO. 17. P.S.-
NARPATGANJ, DISTRICT-ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Adv

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, 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
Araria P.S. Case No. 867 of 2020 registered on 15.10.2020
lodged under Sections 25(1-a)b 26 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against unknown accused persons. In the F.I.R., informant has
disclosed that upon receiving information that one person has
been murdered, the police has reached the house of one Nikhat
Parween and found her husband died. During inquest, a pistol



was recovered from her house on which she has stated that this pistol belong to the same accused person who murdered her husband. Upon this F.I.R., has been lodged.

4. Counsel for the petitioner submits that the present petitioner is the ex-husband of the Nikhat Praween from whose house Arms has been recovered. Counsel submits further the in the Arms Act, the recovery of arms is necessary to be made from the petitioner's possession. Here in the present case, arms has not been recovered from the petitioner's possession. He submits that police has put his name only and only because he has several antecedents.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 07.07.2023 having 13 criminal case pending against him, in which he is on bail. Counsel also submits that the murder which took place at the house of petitioner's divorce wife has also named the petitioner in the murder in which he has granted bail which is annexure-2

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., Araria in connection with Araria P.S. Case No. 867 of 2020, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.



8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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