

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70903 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Md Samim @ Md Sameer @ Devda, S/O Md. Halim Ansari @ Md. Halim
R/O Village- B Bada Jagarnath, P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 224 of 2023, lodged on 18.02.2023
under Sections 414 of the Indian Penal Code and 25(1-b)a/26/35
of Arms Act.

3. As per the prosecution case, two persons were
apprehended from the place of occurrence including the present
petitioner and from the possession of the present petitioner, one
country made pistol, one live cartridge, one mobile phone and
one black color pulsar motorcycle were recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that due to high handedness of the police officials, the



petitioner has become accused in this case. He further submits that the alleged recovery was made in complete violation of section 100 of the Cr.P.C. and submits that the petitioner is in custody since 19.02.2023.

5. Learned counsel for the petitioner further submits that the other co-accused has been granted regular bail by the co-ordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 51598 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

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 Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 224 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the 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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