

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68621 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- PIPRA District- Supaul

1. Md. Sajjad @ Bhutto Son of Late Md. Muslim @ Md. Taslim R/o vill - Narpatganj, ward no. 12, P.S. - Narpatganj, Distt. - Araria
2. Md. Azam Son of Md. Farookh R/o vill - Khaira Gadhiya, ward no. 10, P.S. - Narpatganj, Distt. - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Pipra P.S. Case No. 217 of 2023, lodged on 24.06.2023, under
Sections 399/402/414 of the I.P.C. and under Sections 25(1-
b)A/26/35 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against five named accused persons. Allegation in the FIR is
that on the instruction of S.H.O., the A.S.I. has stopped the
scorpio vehicle from which two persons started fleeing, but
they were apprehended with the help of the police and upon



checkup one *Desi Katta* and one live cartridge have been recovered from the scorio vehicle along with other instruments. Upon interrogation, the arrested persons have disclosed their name.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. He submits that the said recovery has not been made from the conscious possession of the petitioners; rather the said recovery of arms and live cartridge have been made from a bag attached with the seat. Counsel submits that there is one criminal antecedent against petitioner No.1 and there is no criminal antecedent against petitioner No.2. Both are in custody since 24.06.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that from perusal of the FIR itself it is clear that the petitioner No.1 is completely aware about the pistol and live cartridges. Counsel further submits that from the pleadings it transpires that petitioner No.2 has no criminal antecedent.

6. In the circumstance, I am not inclined to grant bail to petitioner No.1 Md. Sajjad @ Bhutto. Hence, his prayer for bail is rejected with liberty that he may renew his prayer for bail after framing of the charges.



7. In the present facts and circumstances of this case and the submissions made above, let petitioner No.2 Md. Azam 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 A.C.J.M.-VI, Supaul, in connection with Pipra P.S. Case No.217/2023, subject to 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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