

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76830 of 2023

Arising Out of PS. Case No.-347 Year-2023 Thana- BIHAR District- Nalanda

MD. AFSAR @ BANO Son of Md. Wasim Resident of Mohalla - Sakunat
Khurd, P.S.- Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Raj

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-12-2023 Learned counsel for the petitioner has filed
supplementary affidavit. Let it be kept on record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Bihar P.S. Case No. 347 of 2023 registered for the offences
punishable under Sections 25 (1-B)a, 26 and 35 of Arms Act,
1959.

4. As per prosecution case, there was alleged
recovery of one country made pistol alongwith two live
cartridges from the possession of the petitioner.

5. Learned counsel for the petitioner submits that
petitioner is in custody since 20.04.2023. Learned counsel has
filed supplementary affidavit through which he submits that



petitioner bears criminal antecedent of two cases in which he is on bail and no other case is pending similar to the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has committed no offence as alleged in the FIR.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 347 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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