

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.72623 of 2022**

Arising Out of PS. Case No.-540 Year-2022 Thana- BETTIAH CITY District- West  
Champaran

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ISLAM ANSARI Son of Mubarak Ansari @ Mobarak Miyan R/o Jamunia  
Babu Tola, Ward No.- 1, P.S.- Jagdishpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.  
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
21.07.2022, in connection with Bettiah Nagar P.S. Case No.  
540/2022, F.I.R. dated 20.07.2022, for the offences punishable  
under Sections 25 (1-b) a & 26 of the Arms Act.

According to prosecution case, one loaded *desi katta*  
with one live cartridge has been recovered from the possession  
of the petitioner.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case. He further submits that it appears from the F.I.R.  
as well as the seizure list that one country made pistol and one



live cartridge have been recovered from possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 21.07.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine criminal antecedent other than the present one but fairly submits that as per para-3 of the bail petition, the petitioner has been acquitted in three cases and in other six cases, the petitioner is on bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Nagar P.S. Case No. 540/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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