

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73057 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- BIRAUL District- Darbhanga

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ASLAM AZAD @ MD. ASLAM ANSARI @ MD. ASLAM AZAD Son of
Abdul Rauf Resident of Village- Udaypur, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 27-03-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard learned counsel for the petitioner as well as

learned APP for the State.

In this case, the petitioner is seeking regular bail in

connection with Biraul P.S. Case No. 165 of 2022, registered for

the offences punishable under Sections 399, 402, 400 of the

Indian Penal Code and Section 25 (1-b)a, 26, 35 of the Arms

Act.

As per allegation, the police intercepted a four-

wheeler on suspicion. Four persons were present on that vehicle.

A country-made loaded pistol was recovered from the



possession of co-accused Khursid Alam. A mobile set was recovered from co-accused Md. Ashik. A mobile set was recovered from the possession of the petitioner to which the learned counsel submits that it was his personal mobile. Learned counsel has also submitted that the FIR shows itself that two accused persons Khursid Alam and Md. Rahmat apprised the police party that they belong to a gang of dacoits. There is no such statement of the petitioner. He is under custody since 15.05.2022.

Considering the fact that only a mobile set was recovered from possession of the petitioner but it is submitted that it was personal mobile of the petitioner and also considering the period of detention, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned in connection with Biraul P.S. Case No. 165 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to



file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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