

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74723 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- DAWATH District- Rohtas

Irshad Ansari @ Babuddin @ Babuddin Ansari, Son of Pir Mohammad Ansari
R/o vill - Sahinaw, P.S. - Dawath, Distt. - Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dawath P.S. Case No.89/2023, lodged on 20.06.2023 under
Sections 25(1-B)a/26/35 of the Arms Act.

3. As per the prosecution case, one country-made
pistol, three live cartridges, and one miss-fired cartridge along
with other materials have been recovered from the possession of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Neither the
alleged recovery has been made from the conscious possession
of the petitioner nor the petitioner has any concern with the said
article. From the seizure list, it appears that there is a gross



violation of Section 100 of the Cr. P.C. in preparing the seizure list. The present case has been lodged in the background of village politics. Apart from the present case, the petitioner is accused in one more criminal case, in which he is on bail and he is in custody since 21.06.2023.

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

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned JM-1st Class, Bikramganj, Rohtas, in connection with Dawath P.S. Case No. 89/2023, 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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