

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72391 of 2022

Arising Out of PS. Case No.-726 Year-2022 Thana- MUFFASIL District- West Champaran

ABDUR RAHMAN @ ABDUL RAHMAN @ HAJI ANSARI @ HAPPY
MIYAN SON OF MUSTAK ANSARI R/O VILLAGE- AMWA MANJHAR,
P.S.- BETTIAH MUFFASIL, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
26.08.2022 in connection with Bettiah Muffasil P.S. Case No.
726 of 2022, F.I.R. dated 25.08.2022, for the offences
punishable under Sections 414 of the Indian Penal Code and
Sections 25(1-b) a, 26 of the Arms Act and Section 30(a) of the
Bihar Prohibition and Excise Act.

According to prosecution case, one country made
pistol, one live cartridge, 3 litres 600 M.L. english wine and one
motorcycle have 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 and the seizure list that one country made pistol, one live cartridge, 3 litres 600 M.L. english wine and one motorcycle have been recovered from the possession of the petitioner. He further submits that the petitioner was a pillion rider of the motorcycle and the motorcycle was plying by another co-accused namely, Pramod Sah and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the grounds that the petitioner carries one criminal antecedent other than the present one.

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 Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 726 of 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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