

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.978 of 2023

Arising Out of PS. Case No.-550 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Md. Shahid @ Md. Sahid @ Md. Shahid Ibrahim, S/O Md. Kalimuddin @
Md. Kalamuddin Resident Of Village- Ariyari, P.S.- Ariyari, District-
Sheikhpura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 3618 of 2023

Arising Out of PS. Case No.-550 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Swarath Kumar, Son Of Kuldip Chauhan R/V- Pathlafor, P.S.- Sheikhpura,
District- Sheikhpura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 978 of 2023)

For the Petitioner/s : Mr. Sanjeev Kumar

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

(In CRIMINAL MISCELLANEOUS No. 3618 of 2023)

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-04-2023

CRIMINAL MISCELLANEOUS No.978 of 2023

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Section 414 of the Indian Penal Code
and Sections 25(1-b)a/ 26/ 35 of the Arms Act.



3. The learned counsel for the petitioner submits that the petitioner is in custody since 13.09.2022 and has antecedent of three cases and the petitioner is on bail in two cases and the allegation is of recovery of a motorcycle along with a pistol and seven live cartridges from his possession.

4. The learned counsel for the petitioner submits the motorcycle belongs to the petitioner as would be evident from specific pleadings made in the bail application at Para-9. It is further submitted that petitioner has already remained in custody for more than seven months with respect to allegation under the Arms Act.

5. Learned A.P.P. opposes the bail application and submits that though it has been submitted that the motorcycle belongs to the petitioner, but then no documentary evidence has been brought on record to substantiate the said submission.

6. Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Shekhpura P. S. Case No.550 of 2022, subject to the condition



that one of the bailors of the petitioner shall be his father, namely, Md. Kalimuddin @ Md. Kalamuddin.

7. The application stands allowed.

8. However, the learned trial Court before accepting the bail bonds of the petitioner shall verify that as to whether the motorcycle belongs to the petitioner or not and in the event, if it is found that the owner-book is not in the name of the petitioner/ his brother/ his father, then the present order shall not be given effect.

CRIMINAL MISCELLANEOUS No. 3618 of 2023

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Section 414 of the Indian Penal Code and sections 25(1-b)a/26/35 of the Arms Act.

3. The learned counsel for the petitioner submits that the petitioner is in custody since 13.09.2022 and has antecedent of one case under Section 498A of the I.P.C. and the allegation is of recovery of an Apache motorcycle along with a mobile set.

4. The learned counsel for the petitioner submits that there is no allegation of any recovery of arms from the petitioner. It is next submitted that even the motorcycle belongs



to the petitioner as would be evident from Annexure-2 to the bail application i.e. the certificate of registration of the vehicle in the name of the petitioner.

5. Learned A.P.P. opposes the bail application.

6. Considering the submission made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P. S. Case No.550 of 2022.

7. The application stands allowed.

(Satyavrat Verma, J)

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