

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6143 of 2023

Arising Out of PS. Case No.-242 Year-2022 Thana- HALSI District- Lakhisarai

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DANISH BAIG Son of Hasan Baig Resident of village - Oraiya, P.S.- Halsi,
District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anwar Karim, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023 List of these matters has been notified today for hearing.

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

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Halsi P.S. Case No. 242 of
2022 dated 15.09.2022 instituted for the offence punishable
under Sections 414/34 of the Indian Penal Code and Section
25(1-b)a/26/35 of the Arms Act.

The recovery of a pistol along with three live cartridges
are attributed from the petitioner while he was seated in the
vehicle.



Learned counsel for the petitioner submits that the recovery is not in accordance with law. The petitioner has been arrested on suspicion as he was near the vehicle from which the arms have been recovered.

Having no criminal antecedent, the petitioner is in custody since 16.09.2022.

The learned APP for the State has opposed the prayer for bail. It is submitted that arms were recovered from the petitioner's conscious possession.

Considering the rival submissions, period of custody, and clean antecedent of the petitioner as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 C.J.M, Lakhisarai in connection with Halsi P.S. Case No. 242 of 2022 dated 15.09.2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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