

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81249 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- BAUGHAT District- Sheikhpura

Md. Sahzada Alam Son Of Kalam Uddin R/O Village- Arshar, P.S.- Jamui,
District- Jamui

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Baughat P.S. case No.
03 of 2023 instituted for the offences under Sections 25(1-A),
25(1-AA), 25(1-b)a, 26(i)(ii) and 35 of the Arms Act.

3. Prosecution allegation, in short, is that as per F.I.R.,
the petitioner was apprehended on the spot along with others.
On search, one mobile with SIM was recovered from the
petitioner and other incriminating articles were recovered from
other co-accused persons.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 19.08.2023 and has no criminal
antecedent. The petitioner has falsely been implicated in the



present case. Learned counsel for the petitioner submits that the petitioner has been made accused merely on the basis of suspicion. The petitioner has no concern with the alleged co-accused persons rather he has been made accused in this case due to high handedness of the police. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 11.12.2023 passed in Cr. Misc. No. 79768 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the claim of parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baughat P.S. case No. 03 of 2023.

(Rudra Prakash Mishra, J)

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