

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6946 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- SAHIYARA District- Sitamarhi

Md. Nasarullaha Ansari, aged about 55 yeas (male) Son Of Late Abdool Mannan Ansari R/O-Dihathi, P.S.-Sahiyara, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad,

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for an offence punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-a), 26, 26(ii) and 35 of the Arms Act.

3. As per seizure list, one country made pistol, one cartridge as well as one mobile phone were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The petitioner is in custody since 27.07.2023 and he has got no criminal antecedent as stated in para-3 of the petition. He next submits that two similarly situated co-accused persons have already been granted bail by different Benches of this Court passed in Cr. Misc. No. 66938 of 2023 and 64968 of 2023.



5. However, learned APP for the State opposes the prayer for regular bail of the petitioner.

6. In view of the aforesaid facts and submissions of learned counsel for the petitioner, let the above named petitioner 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 learned CJM, Sitamarhi in connection with Sahiyara P.S. Case No. 125 of 2023 with following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in the bail application.

(ii) Petitioner will co-operate in the trial and will remain present on all dates and in absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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