

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11878 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- NIMCHAKBATHANI District- Gaya

Azaz Ahmad @ Ezaz Ahmad @ Ajaz Ahmad Son of Late Ahsan @ Late Md.
Esan Resident of Village-Sivandih, P.S.-Balidih, District-Bokaro (Jharkhand).
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Priya Ranjan, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Nimchak Bathani P.S. Case No. 189 of 2023 instituted for the
offence under Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. As per prosecution case, there is recovery of two
rifles, 23 live cartridges, one Bindolia loaded with 22 live
cartridges, country made pistol loaded with 7 live cartridges and
several other incriminating articles from the house of co-
accused 'Shanobar Khan'. Petitioners and other co-accused
persons were alleged to have apprehended on spot.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 18-10-2023. Petitioner is
stated to be man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the possession of the petitioner, rather the said recovery has been made from the house of co-accused, namely, Sanobar Khan. It is submitted that seizure list is not in accordance with law. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22-02-2024, passed in Cr. Misc. No. 11032 of 2024.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Nimchak Bathani P.S. Case No. 189 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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