

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13955 of 2024

Arising Out of PS. Case No.-139 Year-2023 Thana- BARAHAT District- Banka

Md. Tahir @ Md. Tebrej Ansari son of Esrafil Ansari Village- Gangata Fasiya
Ps- Motiya OP Dist- Godda Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambrish Jha

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 01-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Barahat P.S. Case No.139 of 2023 registered for the offence
under Sections 25(1-b), 25(1-AA), 25(1-a)/26(1)(2)/35 of the
Arms Act.

3. As per FIR, there is recovery of one country
made pistol and some semi prepared arms were recovered from
the possession of this petitioner.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that recovery of
firearms were not made from conscious physical possession of



the petitioner rather the same was recovered other co-accused person, namely, Parvej Ansari. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 63210 of 2023 on 09.10.2023 and Cr. Misc. No.70351 of 2023 on 05.01.2024. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 08.11.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail, ***after framing of the charge***, in connection with Barahat P.S. Case No.139 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above named petitioner shall be



released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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