

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14005 of 2024

Arising Out of PS. Case No.-493 Year-2023 Thana- TAJPUR District- Samastipur

Md. Obesh Khan @ Md. Obaish Khan Son Of Abdul Quiyum Khan Resident
Of Village - Chandauli, P.S. - Tajpur, District - Samastipur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

ORAL ORDER

2 07-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Tajpur P.S. case No.
493 of 2023 instituted for the offences under Sections 25(1-B)a,
26 and 35 of the Arms Act.

3. Prosecution allegation, in short, is that the a country
made pistol, one magzine and one live cartridge have been
recovered from the house of co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered
from the conscious possession of the petitioner. The petitioner
has no concern with the alleged recovery of arms. The



petitioner is in custody since 01.09.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. Co-accused from whose house the recovery of arms was made , has been granted bail by a Coordinate Bench of this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 69575 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 fact that co-accused has been granted bail by a Coordinate Bench of this Court, 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 Tajpur P.S. case No. 493 of 2023.

(Rudra Prakash Mishra, J)

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