

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17634 of 2024

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

Md. Shabourbar Khan @ Shanoubar Khan S/O Late Mumtaz Khan @
Mumtaj Khan R/O Village- Simrour, P.S- Neemchak Bathani, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Kumar Satya Kirti, Advocate
For the State : Mr. Ashok Kumar Singh, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Neemchak 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 the 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 this
petitioner.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 18-10-2023. Petitioner
bears one criminal antecedent, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The police did not examine the license of the seized arms, as it belongs to family members of the petitioner. It is submitted that seizure list is not in accordance with law. Other co-accused have been granted bail by this Court *vide* orders dated 26-02-2024 & 26-02-2024, passed in Cr. Misc. No. 11816 of 2024 and Cr. Misc. No. 11878 of 2024, respectively.

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 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 Neemchak Bathani P.S. Case No. 189 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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