

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17713 of 2024

Arising Out of PS. Case No.-294 Year-2021 Thana- NATHNAGAR District- Bhagalpur

Md. Danish Son Of Md. Saleem Resident Of Village- Laxmi Narayan Singh
Lane, Momin Tola, Ps- Nathnagar, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Adv

For the Opposite Party/s : Mr.Ram Naresh Ray APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Nathnagar PS Case No. 294 of 2021 dated 17-05-2021,
instituted under Sections 25(1-b) a and 26 of the Arms Act.

3. This prosecution case in short is that while the
informant and his brother as well as other villagers were sitting
at his door, all of a sudden two boys armed with firearm came
near the house of the informant. The informant raised alarm and
on chase, out of them one boy was apprehended and from
whose possession a country made pistol was recovered and, on
query, he disclosed his name as Md Danish (petitioner). The
other boy managed to run away. It is further alleged that after
sometime, petitioner, who was apprehended by the informant



and others, also succeeded in fleeing away.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has been falsely implicated in this case. There is no recovery from the conscious possession of the petitioner. It is submitted that the seizure list reveals that the country made pistol has been recovered from the possession of the petitioner, but there is no signature of the petitioner on the seizure list. It is submitted that petitioner is unaware of the present case and recently he learnt regarding his false implication in the present case when warrant of arrest has been issued against him upon which the father of the petitioner filed representation before the SSP, Bhagalpur on 18-09-2023 regarding false implication of his son. The petitioner has recently passed Matriculation examination. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur, in Nathnagar PS Case No. 294 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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