IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19509 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- MUSRIGHRARI District- Samastipur

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Md. Dulare @ Sahil S/o Md. Afroz, R/o Vill - Harpur Aloth, P.S.- Musarigharari, Distt. - Samastipur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 26-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Musrigharari P.S. Case No. 184 of 2023 dated 16.11.2023, registered for the offences punishable under Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. The prosecution case as emerging from the FIR is that recovery of one country made pistol, one empty cartridge and one live cartridge in personance of confession on the part of the petitioner has been made.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the alleged offence, the sentence prescribed under the Arms Act is minimum two years

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which may extend up to five years and petitioner has already remained in custody about eight months. He further submits that investigation has already been completed and charge-sheet has been submitted.

5. The petitioner has been languishing in jail since 08.12.2023.

6. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

7. It has further been stated in paragraph no. 3 of the petition that the petitioner has one criminal antecedent.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the nature of the allegation and length of the custody of the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Samastipur, in connection with Musarigharari P.S. Case No. 184 of 2023, on the following conditions:-

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

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(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the Court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

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