

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30838 of 2024

Arising Out of PS. Case No.-3 Year-2023 Thana- BAUGHAT District- Sheikhpura

Md. Kaiser son of Md. Nehal Resident of village- Alapur PS- Baughat
District-Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad, Adv.

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

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

ORAL ORDER

2 19-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 144 of 2023 arising out of Baughat P.S. Case No. 03 of
2023 instituted for the offences under Section 25(1-A)/25(1-
AA)/25(1-b)a/26 (i)(ii)35 of the Arms Act.

3. As per prosecution case, in short, is that as per
F.I.R., the petitioner was apprehended on the spot along with co-
accused Abdulla Imam. On search, a machine belonging to
mini-gum factory has been recovered from the possession of the
petitioner whereas a mobile phone was recovered from the co-
accused Abdulla Imam.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner has no concern with the alleged occurrence. Nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that the seized article has been recovered from the joint house of the petitioner. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 19.08.2023.

5. Learned counsel for the petitioner again submits that the co-accused Md. Sahzada Alam has been granted bail by this Court vide order dated 22.12.2023 passed in Cr. Misc. No. 81249 of 2023. Co-accused Abdulla Imam has also been granted bail by a Co-ordinate Bench of this Court vide order dated 24.01.2024 passed in Cr. Misc. No. 1955 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner



and similarly situated co-accused having been granted bail by this Court, let the petitioner, abovenamed, 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 S.Tr. No. 144 of 2023 arising out of Baughat P.S. Case No. 03 of 2023.

(Rudra Prakash Mishra, J)

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