

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41137 of 2024

Arising Out of PS. Case No.-581 Year-2023 Thana- KOTWALI District- Munger

Md Jamsher @ Nafra Son of Md Taslim R/O Village- Mirzapur, P.S.-
Muffasil, Dist.- Munger

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Ajay Kumar Jha, learned A.P.P. for the

State.

2. Petitioner seeks bail in connection with Kotwali

P.S. Case No. 581/2023 registered for the offences under

Sections 25(1-b)a, 26(i)(ii)35 of the Arms Act.

3. The petitioner is named in the First Information

Report and are in custody since 11.12.2023.

4. Allegation against the petitioner is to have in

possession of 7 pen pistol without live cartridges along with

co-accused persons who were also found in possession of

cash of Rs. 1,90,000/- and 14 live cartridges.

5. It is submitted by learned counsel appearing on



behalf of the petitioner that petitioner falsely implicated with the present case. It is submitted that the alleged recovery of fire-arm is without any live cartridges where the allegation to supply fire-arms is available against one co-accused Aftab. It is pointed out that seizure list is appearing doubtful being not supported by any independent witness rather by police personnel. While concluding argument, learned counsel submits that petitioner found involve in one more criminal case of similar nature where he is on bail and, moreover, investigation of this case is completed and charge-sheet has already submitted, and as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that there is recovery of sophisticated fire-arms in huge quantity.

7. Considering the aforesaid factual submission and by taking note of the nature of allegation coupled with the fact that the petitioner is in custody since 11.12.2023 where charge-sheet has already submitted, accordingly, above-named petitioner is directed to be released on bail in



connection with Kotwali P.S. Case No. 581/2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount to the satisfaction of learned C.J.M Munger, subject to the condition as laid down under Section 437 (3) Cr.P.C. and further condition that:

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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