

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44657 of 2024

Arising Out of PS. Case No.-299 Year-2022 Thana- TAJPUR District- Samastipur

Md Nasir @ Md Nasir Zamal Son of Md Mustafa Kamal @ Md Mustafa
Kamal Siddique R/O Vill.- Halai, P.S.- Tajpur, Halai O.P., Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate
For the State : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-07-2024 Heard Mr. Randhir Kumar No.1, learned counsel
for the petitioner and Mr. Arun Kumar Pandey, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
26.06.2022, in connection with Tajpur (Halai O.P.) P.S. Case No.
299 of 2022, FIR dated 25.06.2022 for the offences punishable
under Sections 25(1-B)AAA/26 and 35 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 03.04.2023 passed in Cr. Misc. No.
60803 of 2022 thereafter the petitioner has again moved before
this Court in Cr. Misc. No. 65337 of 2023 which was dismissed
as withdrawn on 06.10.2023. Thereafter again the petitioner has
against moved before this Court in Cr. Misc. No. 3433 of 2024
which was also dismissed as withdrawn on 01.03.2024 with the



liberty to the petitioner to file a fresh application before the learned Court below after framing of charge.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. He further submits that the charge has already been framed against the petitioner on 16.04.2024 thereafter the petitioner has approached before the learned Court below but the learned Court below has not considered the case of the petitioner. He further submits that from a bare perusal of the FIR as well as seizure list it appears that that one bank 9 MM country made carbine, two country made magazines and one screen touch mobile phone were seized from the house of the petitioner but from a bare perusal of the FIR as well as seizure list it appears that there is nothing recovered from the conscious possession of the petitioner. He further submits that as per the direction of this Court the charge has already been framed on 16.04.2024. The petitioner is rotting in judicial custody since 26.06.2022 more than two years.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that the recovery has been made from the house of the petitioner apart from that the petitioner carries one case other than the present one in



similar nature of the offence but fairly submits on the basis of the para-3 of the bail application that he is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 299 of 2022 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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