

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51710 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

Md. Hiru @ Hira @ Hirwa Son of Late Md. Salauddin @ Sahabuddin R/O
Vill.- Gulam Rashul Tola Chanda, P.s.- Purine, Dist.- Madhapura

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Dholbajja (Kadwa) P.S. Case No. 79 of 2023 dated 01.08.2023 registered for the offence/s punishable u/ss 399 and 402 of the Indian Penal Code and Section 25 (1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, one loaded country made pistol, three live cartridges, two mobile phones and a knife were recovered from the possession of the co-accused, Md. Kasim and one country made automatic pistol loaded with four cartridges, one mobile and other articles were recovered from the possession of the co-accused, Md. Fateh Alam.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up in this case in the confessional statement of the co-accused, Md. Kasim. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. The petitioner has five criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 12.10.2023. The co-accused has been granted regular bail by this Court vide order dated 05.10.2024 passed in Cr. Misc. No. 65367 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Naugachia in connection with Dholbajja (Kadwa) P.S. Case No. 79 of 2023, with the condition:-

(i) That the petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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