

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54640 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- BIHIA District- Bhojpur

Md. Sajid Ansari @ Md. Sajid son of Md. Safique Ansari Village- Kumardah
PS- Bihiya Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Mr. Shiv Prasad Gupta, learned counsel for the

petitioner and Md. Mushtaque Alam, learned Additional Public

Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bihiya P.S. Case No. 129 of 2024 registered
for the offences punishable under Sections 25(1-b) (i) and 26 of
the Arms Act.

3. In course of vehicle checking, the police
apprehended the petitioner while he was coming on a
motorcycle. On search, one country made loaded pistol and a
live cartridge were recovered from the possession of the
petitioner.

4. There is total denial of any recovery from the
possession of the petitioner.



5. It is contended on behalf of the petitioner that, in fact, on the alleged date of occurrence, while the petitioner was going to purchase some medicine, in the meantime, the police intercepted him and on account of some altercation took place between them, the name of the petitioner has been implicated in this case. The seizure list clearly suggests that there is no compliance of Section 100(6) CrPC, inasmuch as the witnesses were police personnel. It is next contended that be that as it may, the petitioner is a man of fair antecedent and now the investigation of the crime is complete and the charge-sheet has been submitted.

6. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the loaded country made pistol and one cartridge have been recovered from the possession of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate and now the petitioner has been incarcerated since 29.04.2024, coupled with his fair antecedent, let the petitioner, named above, 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 learned Chief Judicial Magistrate, Bhojpur at Ara in connection with



Bihiya P.S. Case No. 129 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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