

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56190 of 2024

Arising Out of PS. Case No.-88 Year-2023 Thana- PHULWARIA District- Begusarai

Md. Aftab @ Aftab @ Chippu S/o Md. Israeel @ Md. Israil R/o vill -
Deendayal Road Gandhi Nagar, ward no. 6, P.S. - Phulwaria, Distt. -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 25(1-b)a, 26 of the Arms
Act.

3. As per the prosecution case, the allegation
against the petitioner is that he fled away from his house on
seeing the police party and on searching his house one country
made pistol and two misfired cartridge has been recovered.

4. It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He is quite innocent and has been falsely implicated in this
case. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. It is further submitted by learned counsel for the petitioner that for the same occurrence two F.I.R. has been lodged against the petitioner i.e. Barauni Rail P.S. Case No. 168 of 2023 and Phulwaria P.S. Case No. 88 of 2023. The petitioner has four criminal antecedents and has been languishing in custody since 17.05.2024.

5. Learned APP for the State opposed the bail petition.

6. Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Phulwaria P.S. Case No. 88 of 2023 subject to the following conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present



in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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