

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61941 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Aashik Ansari S/O Late Israil Ansari R/O Village- Tharma, P.S- Gaighat
(Behind O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Gaighat
P.S. Case No. 26 of 2024 instituted for the offences under
Sections 413, 414/34 of the Indian Penal Code and Section
25(1-b)a, 26, 35 of the Arms Act.

3. As per prosecution case, the police has recovered
800 live cartridges in number of 7.65 KF along with 11 mobiles
of different companies with SIM from the house of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.



He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the same has been recovered from the joint house of the petitioner. The petitioner was not arrested on the spot. The petitioner has no concern with the alleged recovery. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has four criminal antecedents and is languishing in judicial custody since 30.01.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and there is a huge recovery of live cartridges from the house of the petitioner. The petitioner has also four criminal antecedents of similar nature of offences registered at different districts which shows that the petitioner deals in cartridges and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaighat P.S. Case No. 26 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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