

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60329 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- RAMGARHWA District- East Champaran

1. Nabil Alam @ Nabil Ahmad son of Imran Dewan @ Rahman Dewan
Resident of village - Aryanagar, Ps- Ramgarhwa, Dist- East champaran
2. Mustaque Alam son of khairati Dewan Resident of village - Aryanagar, Ps-
Ramgarhwa, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-09-2024 Heard Mr. Abhishek Kumar, learned counsel for the

petitioners and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Ramgarhwa P.S. Case No. 89 of 2024, FIR
dated 03.04.2024 registered for the offences punishable under
Sections 25(1-b),a/26/35 of the Arms Act.

3. The case related to recovery of one country made
pistol and one live cartridge.

4. Learned counsel for the petitioners submits that
petitioners have clean antecedent and they have falsely been
implicated in the present case on the basis of the disclosure



made by co-accused person, namely, Sahid Anwar. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioners and except the disclosure made by the co-accused person, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and no case is made out against the petitioners under the Arms Act.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and the name of the petitioners have been transpired on the basis of the disclosure made by co-accused person, namely, Sahid Anwar, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Ramgarhwa P.S. Case No. 89 of 2024 , subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-Harshita

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