

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61509 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- SURSAND District- Sitamarhi

Md. Ishtekhar Alam @ Md. Ishtkhar @ Md. Ishtkhar Alam Son of Abdul Mannan @ Abul Mannan, R/o Village- Hirauli, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 4 13-12-2024 Heard Mr. Ashok Kumar Jha, the learned counsel

for the petitioner and Mr. Nirmal Kumar Sinha, the learned

Additional Public Prosecutor for the State.
2. Learned counsel for the petitioner is directed to

make necessary correction in paragraph no. 1 of the bail

petition.
3. Petitioner seeks regular bail who is in custody since

11.06.2024, in connection with Sursand P.S. Case No. 277 of

2024, FIR dated 10.06.2024, registered for the offences

punishable under Sections 399, 402 and 34 of the Indian Penal

Code under Sections 25(1-b)a, 26 and 35 of the Arms Act and

also under Sections 8, 20(b)(ii)(A) of the N.D.P.S. Act.
4. According to the prosecution case, the informant



acting upon the confidential information reached near Rato River Bandh and found some persons standing near a four wheeler, who were then apprehended and from their possession a country made pistol, two live cartridges, mobile phones and *ganja* like substance was recovered.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that as per allegation in the FIR, one country made pistol, two live cartridges and one mobile phone was recovered from the possession of the petitioner and one kilogram *ganja* like contraband has been recovered from the possession of co-accused person namely, Md. Mahtab Alam, who has been granted bail by this Court *vide* order dated 25.09.2024 passed in Cr. Misc. No. 67567 of 2024. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 11.06.2024.

6. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that one pistol and two live cartridges have been recovered from the possession of the petitioner. Apart from that, the petitioner carries four criminal



antecedents other than the present one, however, he fairly submits that petitioner is on bail in all the pending matters.

7. Considering the aforesaid facts and circumstances and mainly the fact that one kilogram *ganja* like contraband has been recovered from the possession of co-accused Md. Mahtab Alam, who has been granted bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi, in connection with **Sursand P.S. Case No. 277 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial



Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

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