

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65375 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Md. Daud @ Daud @ Md. Badashah S/o Md. Naushad @ Naushad Alam R/o
vill - Nateshar, P.S. - Neemchak Bathani, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Prithvi Raj Singh, learned counsel for
the petitioner and Mr. Bharat Lal, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Neemchak Bathani P.S. Case No. 86 of 2024,
F.I.R. dated 01.05.2024 for the offences punishable under
Sections 25(1-B)(a), 26, 35, 25(9) of the Arms Act

3. The case relates to joyous firing by the accused
persons in a marriage ceremony.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR as well as seizure list it appears that
recovery has been made from the house of Md. Dilshad and the
petitioner has been made accused in the present case merely on



the ground that the petitioner is groom and the harsh firing was made in the marriage of the petitioner.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, the petitioner having clean antecedent, nothing has been recovered from the house of the petitioner and the petitioner has been made accused merely on the ground that harsh firing was made in the marriage of the petitioner, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Gaya in connection with Neemchak Bathani P.S. Case No. 86 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. Petitioner 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 his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

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 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 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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