

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74513 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- MUSRIGHRARI District- Samastipur

M.D. JAVED @ NIYAJ Son of M.D. Kasar @ M.D. Kamar R/o vill -
Kasbeahar, P.s. - Tajpur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 03-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 399, 402, 467, 468, 412, 420, 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

3. It is a case of assembling for preparation of commission of offense. The petitioner is said to have been apprehended on spot from whose possession, one loaded country made pistol with seven live cartridges, cash of Rs. 11,500/- and a motorcycle were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no



concerned with the alleged arms seized by the police. It is further submitted that the seizure list has not been prepared in accordance with law. The petitioner is languishing in judicial custody since 13.4.2023. Moreover, similarly situated co-accused namely, Rambabu Kumar has already been granted bail by this Court vide order dt. 30.10.2023 passed in Cr. Misc. No. 51363 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner has got four criminal antecedents.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Musrigharari P.S. Case No. 53 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur.

(Sunil Kumar Panwar, J)

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