

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70689 of 2024

Arising Out of PS. Case No.-116 Year-2022 Thana- BELA District- Sitamarhi

Md. Ali @ Halim Khan Son of Jashin Khan @ Jasmuddin Khan R/O Village-
Kachharipur, P.S.- Bajpatti, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ritesh Singh, Adv

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 26-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bela P.S. Case No. 116 of 2022 dated 06.05.2022 registered for the offences punishable u/ss 399, 402, 414 of the Indian Penal Code and section 25(1-B)a, 26 and 35 of the Arms Act and 8/20(B) (ii) (C) / 22 NDPS Act.

3. As per the prosecution case, one loaded country made pistol, a loaded magazine having four live cartridges, one kg Charas, an empty magazine, two mobiles and one motorcycles were recovered from the possession of the co-accused, Md. Hasim Laheri. One country made Katta, two live



cartridges, 1 kg Charas and one mobile phone were recovered from the possession of the co-accused, Deep Narayan Mahto. One loaded country made pistol, two live cartridges and mobile phone were recovered from the possession of the co-accused, Md. Sadik. One mobile phone was recovered from the possession of the co-accused, Santosh Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The name of the petitioner was disclosed by the apprehended co-accused persons. Similarly situated co-accused has already been granted bail by this court *vide* order dated 03.05.2024 passed in Cr. Misc. No. 39260 of 2023. The petitioner has 14 other criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 21.10.2022.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two



sureties of the like amount each to the satisfaction of learned Court concerned, Sitamarhi in connection with Bela P.S. Case No. 116 of 2022, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

(ii). If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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