

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67301 of 2024

Arising Out of PS. Case No.-79 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

Md. Fateh Alam Son of Md. Idrish @ Mo. Idaris Resident of Village - Gulam
Rasul Tola Chanda, P.S. - Puraini, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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

ORAL ORDER

2 07-10-2024 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 Dholbajja (Kadwa) P.S. Case No. 79 of 2023 dated 01.08.2023 registered for the offences punishable u/s 399, 402 of the I.P.C and 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, one country made pistol, four live cartridges, a mobile phone, cash of Rs. 950/- Aadhar card, PAN card and TVS motorcycle (unregistered) were recovered from the possession of the Md. Fateh Alam (petitioner) and one loaded country made pistol, four live cartridges, a knife and two mobile phones were recovered from



the possession of the co-accused Md. Kasim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The charge sheet has already been framed on 19.07.2024. The petitioner has five antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 02.08.2023.

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 and the nature of allegation levelled against the petitioner 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) with two sureties of the like amount each to the satisfaction of learned Court concerned, Naugachhiya, in connection with Dholbajja (Kadwa) P.S. Case No. 79 of 2023, with a 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 be cancelled.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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