

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81945 of 2023

Arising Out of PS. Case No.-178 Year-2023 Thana- RAJNAGAR District- Madhubani

Md. Janak @ Md. Jahak Son Of Channu Sheikh R/O Village- Gausnager,
P.S.- Rajnager, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Manoj Kumar Pandey, learned counsel

for the petitioner and Md. Shakir Ahmad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Rajnager P.S. Case No. 178 of 2023, F.I.R. dated 06.07.2023 for the offences punishable under Section 25(1-b)a/26 of the Arms Act.

3. According to prosecution case, on the secret information, the informant reached at the garage of Md. Iran and recovered country made pistol which was wrapped in the black foil and one misfired cartridge was also recovered.

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 nothing incriminating article has been recovered from the conscious possession of the petitioner rather recovery has been made from



inside the garage and owner of the garage has not been made accused in this case, the name of the petitioner transpired on the basis of the disclosure made by Md. Irfan who is owner of the garage. He submits that co-accused persons namely, Md. Sonu and Md. Afjal have already been granted anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 14.12.2023 passed in Cr. Misc. No. 79561 of 2023 and Cr. Misc. No.79744 of 2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, 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 A.C.J.M., 1st Madhubani in connection with Rajnager P.S. Case No. 178 of 2023, 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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