

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83288 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- AMBA District- Aurangabad

Md. Khalid Raja S/O Md. Abdullah Ansari Resident of village-Mansara, PS-
Amba, District- Aurangabad, Bihar

... .. Petitioner/s

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Amba
P.S. Case No. 147 of 2024 for the offence under Sections 25(1-
b)a, 26 of the Arms Act lodged on 17.07.2024 by the informant,
Dinesh Kumar.

3. As per the prosecution story, the informant alleged
that during Moharram procession, the police was part of the said
procession when they got information that some accused are
having arms with them. This petitioner was searched and there is
recovery/seizure of a country made pistol besides five live
cartridges (wrongly typed as seven cartridges in the petition for
which learned counsel for the petitioner undertakes to pay Rs.
500/- to Patna High Court Legal Services Committee and further
will be submitting the receipt in course of the day).

4. Learned counsel for the petitioner submits that he
was part of the procession, the police started searching people,



the country made pistol/cartridges which were found at the place, attributed to him which led to his implication and further he intends to leave the district for three months, if granted relief. The last submission that he is in custody since 18.07.2024 (para-4 of the petition).

5. Learned APP opposes the prayer for bail submitting that he was carrying arms and was part of the procession.

6. Considering the submissions put forwarded by the parties as also the age of the petitioner, he is young, has already remained in custody since 18.07.2024 and undertaking has been given that he shall be leaving the district for three months, in that background, this Court is inclined to extend him the privilege of bail with conditions that at the time of execution of bail bonds, he shall be providing the entire address of his stay for next three months and will be appearing before the police station every fortnight there and upon return to the district, he shall be appearing before the police station where the FIR is lodged, every fortnight for next nine months.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Amba P.S. Case No. 147 of 2024 subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear every fortnight for three months before the local police station of neighbouring district where he stays and shall appear every fortnight for further nine months before the police station where F.I.R. is lodged to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of bail bond.

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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