

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3057 of 2024

Arising Out of PS. Case No.-135 Year-2023 Thana- WARISNAGAR District- Samastipur

Md. Ekramul, Son Of Mohammad Abul Barik @ Md. Barik, Resident Of
Village - Daulatpur, P.S. - Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Warisnagar P.S. Case No. 135/2023 lodged on 20.04.2023 under
Sections 25(1-b)A, 26 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against the petitioner on recovery of a pistol from the
chajja of the house, and in addition to that other equipment has
also been recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. On the
basis of the confession of a co-accused of another case, the
police have entered into the house of the petitioner and one



pistol has been recovered. The petitioner is in custody since 07.06.2023 and is accused in a total of seven more criminal cases and he has been granted bail in all the cases. The chargesheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean as seven more criminal cases are pending against him which have been lodged either with arms act or with allegation of robbery, hence, at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration. Moreover, he is in custody for the last seven months.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Samastipur, in connection with Warisnagar P.S. Case No. 135/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member 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 failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

7. The learned court below shall release the petitioner on bail **only after framing of charge, if not framed** as well as on being satisfied with the affidavit to be filed by the petitioner before the trial Court to the effect that he is not absconding in any of the seven cases detailed as under :-

1. Samastipur Town P.S. Case No.85/2023.
2. Samastipur Town P.S. Case No.236/2023.
3. Samastipur Town P.S. Case No.333/2023.



- 4. Angarghat P.S. Case No. 67 of 2022.
- 5. Tajpur P.S. Case No. 587/2022.
- 6. Khanpur P.S. Case No. 223/2022.
- 7. Warisnagar P.S. Case No. 135/2023.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

