

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3626 of 2024**

Arising Out of PS. Case No.-120 Year-2022 Thana- MANJHAGARH District- Gopalganj

Noor Hasan @ Khursid Ansari S/o Late Nabi Miya Resident Of Village  
Balara, P.S. Sidhwalia, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      09-02-2024                      Heard Mr.Javed Aslam, learned counsel for the  
petitioner and Mr.Jharkhandi Upadhyay, learned A.P.P. for the  
State.

2. The petitioner seeks bail, who is in custody since  
21.04.2022, in connection with Trial No. 28 of 2022 arising out  
of Manjhagarh P.S.Case No. 120 of 2022, dated 20.04.2022  
registered for the offence punishable under Sections 399,402 of  
IPC, Sections 25(1-b)a,26,35 of Arms Act and Section 21(b) of  
NDPS Act.

3. Earlier the bail petition of the petitioner was  
dismissed as withdrawn vide order dated 25.04.2023 passed in  
Cr. Misc. No.64871 of 2022. Thereafter, the petitioner again  
moved for bail before this Court vide Cr. Misc. No.58143 of  
2023 which was dismissed as withdrawn on 01.09.2023 with  
liberty to the petitioner to move afresh before the learned court



below. Thereafter, the petitioner has filed the present bail petition for renewing his prayer for bail.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that one country made pistol, three live cartridges and five Puriya of Smack and Rs. 16,000/- have been recovered from possession of the petitioner. Further submits that co-accused person, namely, Ajay Singh @ Guddu Baba has been granted bail by this Court vide order dated 08.09.2023 passed in Cr. Misc. No.58956 of 2023.

5. Vide order dated 19.01.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 23.01.2024 reveals that out of seven chargesheet witnesses, only two witnesses have been examined.

6. Learned counsel for the petitioner refers the aforesaid report and submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 21.04.2022 and apart from that co-accused person, namely, Ajay Singh @ Guddu Baba, against whom the similar allegation, has been granted bail by this Court.



7. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the recovery has been made from possession of the petitioner petitioner and apart from the aforesaid, petitioner carries eighteen more cases other than the present one but he fairly submits that the petitioner is on bail in all the pending cases, as mentioned in para-3 of the bail petition. Further submits that the co-accused person, namely, Ajay Singh @ Guddu Baba, against whom the similar allegation, has been granted bail by this Court.

8. Considering the aforesaid fact, let the petitioner, above named, 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 learned Additional Sessions Judge-1st-cum-Special Judge, N.D.P.S., Gopalganj in connection with Trial No. 28 of 2022 arising out of Manjhagarh P.S.Case No. 120 of 2022, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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)**

Nitesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

