

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3411 of 2025**

Arising Out of PS. Case No.-244 Year-2024 Thana- BANMANKHI District- Purnia

Md. Juber S/o Md. Sadrul R/o Village- Vinoba gram, P.S.-Janki Nagar,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-02-2025 Heard Mr. Vikram Singh, learned Advocate for the
petitioner and Mr. Mohammad Sufyan, learned Additional
Public Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Banmankhi P.S.
Case No. 244 of 2024, registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25(1-B)a, 26, 35 of the Arms Act.

3. The police, on a tip off assemblage of miscreants,
conducted raid and apprehended three persons, however, two
persons succeeded in fleeing away. In Course of search, one
country made pistol with three live cartridges and a mobile
phone were recovered from the possession of the petitioner. It is
further alleged that other incriminating materials have also been



recovered from the other accused persons.

4. There is complete denial of any recovery from the possession of the petitioner.

5. Learned Advocate for the petitioner contended that in fact on the alleged date of occurrence the petitioner was present nearby the place of occurrence and only on suspicion his name has been implicated in this case. The reason behind the false implication is said to be his past criminal antecedent as has been disclosed in paragraph-3. It is next contended that the seizure list witnesses are none else but the police personnel, moreover the investigation of the crime is complete and the charge sheet has been submitted and now the petitioner has been incarcerated since 23.06.2024.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the criminal antecedent of the petitioner in six identical nature of crime clearly suggests the involvement of the petitioner. Moreover, the arms and ammunition have been recovered from the conscious possession of the petitioner.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation is complete and the chargesheet has been



submitted, coupled with the period of custody and the crime in question is triable by the Magistrate, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Banmankhi P.S. Case No. 244 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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