

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4815 of 2025

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

Md. Istam @ Sakir, S/o Late Jamilludin, R/o Village- Kinbardam, Police
Station- Janki Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 28-02-2025 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 of
them managed to flee away on their motorcycle. In Course of
search, one country made pistol and three live cartridges as well
as one mobile phone were recovered from the possession of the
petitioner. Apart from the recovery of other incriminating
materials from the possession of other accused persons.



4. Learned Advocate for the petitioner contended that in fact the name of the petitioner has been implicated in this case on account of his past criminal antecedent, as has been disclosed in paragraph-3. It is next contended that there is further infirmities in the search and seizure and the witnesses are none else, but the police personnel, moreover the seizure list has not been prepared at the place of occurrence. It is lastly contended that now the petitioner has been incarcerated since 23.06.2024 and the crime in question is triable by the Magistrate.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the alleged recovery of firearm with live cartridges suggests complicity of the petitioner in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the crime in question is triable by the Magistrate, and moreover, mere criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, 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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