

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10042 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- KOPA District- Saran

Hussain Nutt @ Hussain Nawaz, Son of Wakil Nut, Resident of Village-
Parsagarh, P.S. - Ekma, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-02-2025 Heard Mr. Avinash Kumar Pandey, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Kopa P.S. Case No. 211 of 2024 registered
for the offences punishable under Sections 210(4), 310(5) of the
BNS and Sections 25(1-b)a/26/35 of the Arms Act.

3. The police on a tip off assemblage of miscreants
conducted raid in an orchard and apprehended five accused
persons. In course of search, one folded knife was recovered
from the possession of the petitioner, whereas the other
incriminating materials, including one country made pistol with
loaded cartridge as well as motorcycle were recovered from the
possession of other apprehended accused persons.

4. There is complete denial of recovery of any
material 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, as such, he was apprehended and his name has been implicated in this case. The reason behind the false implication of the petitioner is his past criminal antecedent, as has been disclosed in para. 3 of the bail application. Be that as it may, the petitioner has been incarcerated since 23.11.2024.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the antecedent of the petitioner, four in number, clearly speaks about the involvement of the petitioner in such kind of crime.

7. Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and the fact that the investigation of the crime is complete and charge-sheet has been submitted; moreover the crime, in question, is triable by the Magistrate, let the petitioner, named above, 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 Judicial Magistrate, 1st Class, Saran at Chapra in connection with Kopa P.S. Case No. 211 of 2024, subject to the condition that one of the bailors



will be the close relatives 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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