

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52932 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- BIRPUR District- Supaul

Akbar Ali S/o Abul Kalam R/o Village -Birpur Ward no. 7, P.S- Birpur,
District - Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Singh, Advocate
For the State : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Birpur P.S. Case No-113 of 2025, dated-04.04.2025, registered for the offences punishable under Sections 317(5) of the B.N.S., 2023 and Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per allegation, one sewing machine and a sum of Rs.545/- has been recovered from the Petitioner and one country made pistol and two cartridges have been recovered from the co-accused, Tipu Sultan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the present case is an illustration of harassment of poor persons by the police, and the Petitioner has



been arrested without any basis. There was also no basis to the police to presume that the Petitioner has committed any offence. This is nothing but a whimsical act on the part of the police. It also shows the high handedness of the police. Nobody carries documentary proof regarding the ownership of his property.

5. He further submits that the petitioner has been languishing in jail since 05.04.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Birpur P.S. Case No-113 of 2025 on the following conditions:

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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