

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87763 of 2024

Arising Out of PS. Case No.-249 Year-2024 Thana- MANJHAGARH District- Gopalganj

Sultan @ Yashin Son of Shahjahan @ Jafar @ Shahjan Resident of village-
Gher shaymu Khan thandi Sadak near Mother india cold Store, ps- Kotwali,
Dist- Farukhabad UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-01-2025 Heard Mr. Arvind Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Manjhagarh P.S. Case No. 249 of 2024 for the offence punishable under Sections 317(5) of the Bhartiya Nyaya Sanhita, 2023 and section 25(1-B)a, 26, 35 of the Arms Act lodged on 30.08.2024 by the informant, Amrendra Kumar.

3. As per the prosecution story, the informant alleged that while checking the vehicle, it intercepted a motorcycle without registration number, upon chase, while one managed to escape, this petitioner was taken into custody and country made pistol/four live cartridges were recovered. The motorcycle also was found to be stolen one. This led to the FIR.



4. It is the case of the petitioner that he was visiting his handicapped sister, being a resident of Uttar Pradesh, the local gave him lift little realizing that he is sitting on a stolen motorcycle, the police has implicated him and made a story of recovery of pistol/cartridges. He is in custody since 31.08.2024 having no criminal antecedent.

5. Learned APP opposes the prayer submitting that he was riding a stolen motorcycle and there is recovery of arms from him.

6. Considering the aforesaid submission put forward by the parties as also that he do not have criminal antecedent, is in custody since 31.08.2024, FIR is there, he will be facing the trial, an undertaking has been given that he shall be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Gopalganj, in connection with Manjhagarh P.S. Case No. 249 of 2024 subject to the following conditions:

(i) one of the bailor should be the native of Bihar who



shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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