

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90194 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

Noor Hassan Miyan @ Noor Hasan @ Khursed Ansari @ Khursed S/o Late
Nabi Miyan R/o Village- Balara, P.S.- Mohmadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-02-2025 Heard Mr. Adesh Raj Singh, learned counsel for the

petitioner and Md. Ataur Rahman, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.06.2024 in connection with Muhamadpur P.S. Case No. 143
of 2024, F.I.R. dated 09.06.2024 for the offences punishable
under Section 414 of the Indian Penal Code and Section 25 (1-
b)(i) and 26 of the Arms Act.

3. According to prosecution case, this petitioner was
arrested by the police and one loaded gun and one bike was
recovered from his possession.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R



that one country made pistol and live cartridges have been recovered from the possession of the petitioner. He further submits that in fact, nothing has been recovered from the conscious possession of the petitioner rather the police have planted the same. He further submits that there is non compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 10.06.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the seizure list that the recovery has been made from the possession of the petitioner and apart from that one motorcycle has also been recovered from the possession of the petitioner. He further submits that the petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Gopalganj in



connection with Muhamadpur P.S. Case No. 143 of 2024,
subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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