

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90302 of 2024

Arising Out of PS. Case No.-223 Year-2024 Thana- BARGAINIA District- Sitamarhi

Md. Shaqeel @ Md. Sakeel S/o Late Md. Sekh Anwarul Haq R/o Village-
Pakariya, P.S.- Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Bairgania P.S. Case No. 223 of 2024 instituted for the
offences under Sections 25(1-B)a, 26 of the Arms Act.

3. As per prosecution case, the police has recovered
one country made *Katta* and two .315 bore cartridges from
the house of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the
present case. He further submits that nothing incriminating



has been recovered from the conscious possession of the petitioner rather the same has been recovered from the joint house of the petitioner. The petitioner had no knowledge of the arms being kept in his house. Not a single independent witness has supported the prosecution case. The petitioner has no concern with the alleged recovery of arms and ammunition. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 05.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Bairgania P.S.
Case No. 223 of 2024 .

(Rudra Prakash Mishra, J)

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