

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47765 of 2014

Arising Out of PS.Case No. -306 Year- 1996 Thana -MUNGER MUFFASIL District- MUNGER

Md. Pravej, Son of Late Md. Khalik, resident of village- Mirzapur, Bardah,
P.S.- Muffasil, District- Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.8913 of 2015

Arising Out of PS.Case No. -306 Year- 1996 Thana -MUNGER MUFFASIL District- MUNGER

Md. Mahjab, Son of Md. Gado, resident of village - Bardah, P.S. Muffasil,
District - Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

With

Criminal Miscellaneous No.15220 of 2015

Arising Out of PS.Case No. -306 Year- 1996 Thana -MUNGER MUFFASIL District- MUNGER

Md. Nausad, son of Late Md. Kamruddin @ Funnu Mian, resident of
village- Mirjapur, Bardah, P.S. Muffasil, District- Munger

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.47765 of 2014)

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

(In Cr.Misc. No.8913 of 2015)

For the Petitioner/s : Mr. Rounak Kumar Singh "Pankaj", Adv.

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

(In Cr.Misc. No.15220 of 2015)

For the Petitioner/s : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party/s : Mr. U.L.Verma(App)

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

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22-06-2015

All these applications arise out of Munger Muffasil P.S. Case No.306 of 1996 registered for the offence punishable under Sections 25 (1-A), (1-B) a c, 26 (ii) (iii) and 35 of the Arms Act, as such, they have been heard together and are being disposed of by this common order.

It is submitted that the petitioners were not arrested on the spot nor any arms have been recovered from their possession. The name of the petitioners has been disclosed by the co-accused. In similar facts and circumstances, the co-accused Md. Irfan @ Gujwa has been granted bail vide Cr. Misc. No.46545/2012. The petitioner Md. Pravej is in custody since 15.09.2014, the petitioner Md. Mahjab is in custody since 14.11.2014 and the petitioner Md. Nausad is in custody since 26.11.2013.

Learned counsel for the State submits that the petitioner Md. Nausad was granted bail earlier and thereafter, his bail bond was cancelled due to his absence on 25.01.2003 and due to his continuous absence, he was declared absconder on 9.08.2008 and thereafter, after long time, he has been arrested and is in custody since 26.11.2013 and he is facing trial as Sessions Trial No.251A/1999, as such, he does not deserve bail.

Considering the facts and circumstances of the case, let the

petitioners Md. Pravej and Md. Mahjab be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Ad hoc Additional Sessions Judge, 3rd, Munger in Sessions Case No.283/2014 arising out of Muffasil P.S. Case no.306/1996 with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bond will be liable to be cancelled by the court concerned.

So far as the petitioner Md. Nausad (Cr. Misc. No.15220/2015) is concerned, in my opinion, he does not deserve bail. His prayer is rejected.

Let the trial be expedited. If the trial is not concluded within six months, it will be open to the petitioner to move the trial court for grant of bail.

(Amaresh Kumar Lal, J)

V.K. Pandey/-

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