

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7588 of 2016

Arising Out of PS.Case No. -35 Year- 2014 Thana -BHAIRABASHTHAN District- MADHUBANI
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Md. Kadir @ Kadir Mian Son of Md. Tabeer, Resident of Village- Dakahi,
P.S. - Andharamath, District - Madhubani, at present Manjhari, P.S. -
Nirmali, District - Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No 13
		Mr. Jitendra Kumar Bharti
		Mr. Rohit Kumar
For the State		Mr. Rana Randhir Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

7 15-11-2016 Heard the counsel for the petitioner and Mr. Rana
Randhir Singh, APP for the State.

This is repeat application seeking bail in Bhairabashthan
P.S. Case No. 35 of 2014 registered under sections 399, 402 &
414 IPC including diverse penal provisions of the Arms Act.

Considering the fact that a magazine of sophisticated
weapon loaded with the live cartridges was recovered from the
possession of the petitioner, his prayer for bail was earlier rejected
on 19.01.2015 (Annexure-1) with a direction to the trial court to
expedite the trial.

The report called for from the learned trial court is

placed at Flag-D wherefrom it appears that 06 prosecution witnesses have been examined and 04 witnesses are likely to be examined on behalf of the prosecution.

In paragraph 3 of the bail application, criminal antecedents of the petitioner have been explained. It is stated that the weapon was not recovered from his possession. The petitioner is in custody since 26.03.2014.

Considering the allegations and other materials reflected from the records, this Court is not inclined to grant the privilege of bail to the petitioner. Prayer is rejected.

However, if within 04 months from the date of receipt/production of a copy of this order the prosecution fails to examine the remaining witnesses, the petitioner shall have liberty to renew his prayer for bail in the court below itself which shall be considered and disposed of on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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