

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9286 of 2016

Arising out of PS.Case No. -31 Year- 2014 Thana -BARIYARPUR District- MUNGER

MD. PARWEJ ALAM @ Parwej Alam, son of Abdul Haque @ Md. Abdul, resident of village Bardah, Police Station Muffasil, District Munger.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

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

For the Opposite Party : Mr. Binod Kumar 3 (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-03-2016 A supplementary affidavit has been filed on behalf of the petitioner, let it be kept on the record.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody in connection with S.T. No. 605 of 2014, arising out of Bariyarpur P.S. Case No. 31 of 2014 for the offences instituted under Sections 25(1-a)a, 25(1-b)a, 25(1-c)a, 26(i)(ii)(iii) and 35 of the Arms Act.

The prosecution story, in brief, is that on 07.03.2014 at 9.00 A.M., the informant received confidential information that in *Binda Diara*, illegal arms were being manufactured in temporary *Vasa*. He lodged his Sanha. He informed his senior officer and on the direction of senior officer, raiding party was constituted and

raid was conducted in *Binda Diara*. On seeing raiding party, some people started to flee away. On chase, three persons were caught and three persons escaped (petitioner is one of them who were arrested). Two semi made pistols were recovered from both the hands of the petitioner. Search was made in presence of police officials and seizure list was prepared.

The earlier bail application of the petitioner was rejected vide Cr. Misc. No. 1955 of 2015 dated 29.07.2015 taking into account that the bail application of other co-accused also have been rejected. As per prosecution case, two country made pistols are said to have been received from possession of the petitioner. No compliance of Section 100 Cr.P.C. was followed in course of search and seizure. Similarly situated other co-accused has been granted bail vide Cr. Misc. No. 4786 of 2016 dated 02.03.2016.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. and he is in custody since 07.03.2014.

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 Ad-hoc Additional Sessions Judge-IIInd, Munger, in connection with S.T. No. 605 of

2014, arising out of Bariyarpur P.S. Case No. 31 of 2014 with the condition that the petitioner shall co-operate in course of trial and shall be present on each and every date fixed by the court below. If the petitioner fails to appear on two consecutive dates, the court below shall be at liberty to cancel the bail of the petitioner.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)