

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15283 of 2015

Arising Out of PS.Case No. -196 Year- 2013 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Md. Ali Raja, Son of Md. Jainul Abdin, Resident of Village- Mirzapur,
Varidha, P.S.- Muffisil, District- Munger (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Pandey, Advocate.

For the Opposite Party/s : Mr Bhanu Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

4 04-08-2016

Heard learned counsel for the parties.

The petitioner seeks bail in connection with Bikramganj
P.S.Case No. 196 of 2013 dated 07.10.2013 instituted under Sections
25(1)(d)(1-AA)/26(3)/35 of the Arms Act, 1959.

This is the second attempt of the petitioner for bail as
earlier such prayer was rejected by order dated 05.12. 2014 passed in
Cr. Misc. No. 17038 of 2014.

The allegation against the petitioner is that he along with
others was dealing in the manufacture and sale of fire arms.

Learned counsel for the petitioner submits that he was
caught along with others at Piro for which Piro P.S.Case No. 262 of
2013 was lodged on 07.10.2013 under Sections 420,467, 468, 471 and
472 of the Indian Penal Code and Sections 25(1)AA, 26, 28, 29 and 35
of the Arms Act . It is submitted that arising out of the same
occurrence, a raid was conducted in the shop of Om Prakash at

Bikramganj from where certain articles, relating to manufacture of arms, were recovered for which the present case has been instituted and the petitioner has been remanded in custody on 03.01.2014.

Learned counsel submits that there has been no recovery from the petitioner and despite the alleged recovery from the shop of Om Prakash Singh @ Jham Lal, he has been granted anticipatory bail by the court below itself vide order dated 12.02.2014 in B.P.No. 1387 of 2013. Learned counsel submits that except Piro P.S.Case No. 262 of 2013, petitioner has no other criminal antecedent.

Earlier, a report was called for from the court below as to the reason for delay in conclusion of the trial, which was directed to be concluded within three months, as per earlier order of rejection dated 05.12.2014. The same has been received from the Additional Sessions Judge-VIII, Rohtas at Sasaram dated 18.07.2016 in which it has been submitted that the records of the present case had been sent to the Civil Court at Ara (Bhojpur) in terms of the order of the High Court in Cr. Misc. No. 39747 of 2014 dated 17.11.2014 and 20.01.2015 and thus, trial at Bikramganj is not being able to proceed.

Learned A.P.P. submits that on the basis of information given by the petitioner, certain recovery was made in the shop of Om Prakash Singh @ Jham Lal. However, he is not in a position to controvert the fact that said Om Prakash Singh @ Jham Lal has been granted anticipatory bail and that besides the present case and the connected Piro P.S.Case No. 262 of 2013, the petitioner is not an

accused in any other case.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Rohtas at Sasaram in connection with Bikramganj P.S.Case No. 196 of 2013, subject to condition that petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the court below that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall co-operate in the trial and be present on each and every date before the court below. Failure to do so shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/-

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