

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39622 of 2016

Arising Out of PS.Case No. -103 Year- 2016 Thana -BAISI District- PURNIA

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1. Md. Rashid Alam Son of Md. Kadir Alam Resident of Village-Bizraha,
P.S. Baliya Belon, District-Katihar Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Narendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 29-11-2016

Heard both sides.

The petitioner seeks bail in Baisi P.S. case No. 103 of 2016 under Section 307, 384,386 and other Sections of the Indian Penal Code, under Section 27 of the Arms Act and under Section 34 of Explosive Substance Act.

The informant alleged that his father and uncle purchased the land of Khata Nos. 134, 135, area 3 acre 71 decimals in 1990 and since then they are in possession. In the month of January, 2016 Tanbir contacted him and disclosed that he got an agreement of the land from Marjina and Mahenoor, sons of Safiqul. There was a Panchayati. They also approached the lawyers and it was found that Marjina and Mahenoor had no right to execute any deed of agreement. The informant further alleged that on the date of occurrence the accused persons came on the land and made indiscriminate firing but when the villagers came the accused persons fled away. The petitioner is said to have been

apprehended by the informant and from his possession country made pistol, Farsa, knife etc. were recovered. A bag containing bombs was also recovered from the land.

The learned counsel for the petitioner submits that the arms said to have been recovered from the possession of the petitioner are ineffective. The same was recovered by the informant and, therefore, recovery of arms by a private person comes within the purview of Section 37 of the Arms Act, which is bailable. The petitioner has got no criminal antecedent. The petitioner is in jail since 10.07.2016. The petitioner has no manner of concern with the land of the persons who are claiming title over the land.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri P. K, Mohit, learned Additional Chief Judicial Magistrate-II, Purnea- in Baisi P.S. Case No. 103 of 2016.

(Prabhat Kumar Jha, J)

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