

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43113 of 2012

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The State of Bihar

.... Petitioner/s

Versus

Md. Rizwan, son of Md. Manzoor, resident of Village-Mirjapur Bardah,
P.S.-Munger, Muffasil, District-Munger.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2016

The present application has been preferred by the State for cancellation of bail of opposite party who was granted bail vide order dated 09.07.2010 passed in Cr. Misc. No. 17036 of 2010 in connection with Munger Muffasil P.S. Case No. 239 of 2009 registered under Sections 25(1-A), 25(1-AA), 25(1-B) a, c, 26 (i)(ii)(iii), 35 of the Arms Act.

The prosecution case is that the opposite party being relative of co-accused Md. Jahir and Munna was visiting their houses when recovery was made from the house of co-accused Md. Jahir and Munna.

Considering the fact that recovery was not made from the possession of the opposite party, considering the same, the opposite party was granted bail by this Court.

The cancellation application has been sought for on the ground that subsequent to the grant of bail the opposite party was made accused in Munger Muffasil P.S. Case No. 127 of 2011 registered under Sections 25(1-AA), 25(1-B),

26(i)(ii)(iii) and 35 of the Arms Act.

Though the F.I.R of the subsequent case has not been brought on record but it is very fairly submitted by Mr. Mehta that in the initial case wherein the opposite party was granted bail, the trial is at the advance stage and there is nothing on record that opposite party is not appearing in trial.

Considering the fact that opposite party was granted bail in 2010 and subsequent case was registered in 2011, moreover, there is noting on record to suggest the accusation against the opposite party in the subsequent case, this Court is not inclined to interfere.

The application stands dismissed in connection with Sessions Trial No. 106 of 2010, arising out of Munger Muffasil P.S. Case No. 239 of 2009, pending in the Court of learned Sessions Judge, Munger.

(Dinesh Kumar Singh, J)

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