

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41011 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -BHAGWAN BAZAR District- SARAN

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Pir Mohmad son of Mushru Khan, resident of Mohalla- nearby Rajendra Stadium, San Temple Dhiyawa, P.S.-Bhagwan Bazar, District-Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar Singh, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 18-01-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has renewed his prayer for regular bail in connection with Bhagwan Bazar P.S. Case No. 251 of 2015 for the offences alleged under Sections 25(1-b)A and 26 of the Arms Act having earlier been rejected by this Court by order dated 19.05.2016 in Cr. Misc. No. 21879 of 2016.

3. It is submitted that the petitioner has been falsely implicated and in any event, apart from ten live cartridges, no weapon is alleged to have been recovered from his possession. The petitioner is in custody since 27.01.2016.

4. Status report was called for by order dated 05.10.2016 pursuant to which a report dated 27.10.2016 has been received from the court of Sri Mahendra Prasad Yadav, learned Judicial Magistrate, Ist Class, Saran at Chapra, according to which examination-in-chief and cross-examination of the informant was completed on 09.06.2016 and thereafter summons have been issued to the official witnesses on 18.10.2016 fixing 29.10.2016 for evidence.

5. Having regard to the entirety of the facts and



circumstances of the case, the present status of the trial as well as period of custody of the petitioner above named, let him be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 251 of 2015 with the following conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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