

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4629 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -JAMALPUR District- MUNGER

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Md. Naiyar Alam Son of Tauhid Uddin Resident of Village- Hajratganj
Bada, P.S.- Kasim Bazar, District- Munger. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Petitioner seeks bail in connection with Jamalpur P.S. Case
No. 126 of 2016 registered for the offences punishable under
Sections 25(1-B)a,26 (1) (ii) and 35 of the Arms Act.

Allegedly, from possession of the petitioner 100 cartridges
of .315 Bore and from possession of co-accused Rabbani Alam
also 100 cartridges of .315 Bore were recovered and no paper was
produced.

Submission is of false implication and that nothing was
recovered from conscious possession of the petitioner, everything
has been planted, the petitioner is a patient of Heart Disease,
without any fault he is suffering in custody since 27.09.2016, there
is neither sanction report nor FSL report is available on the record
and as such the petitioner having no criminal antecedent deserves



sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, **the petitioner above named shall be released on bail after completion of six months custody from the date of his remand** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 126 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

avin/-

(Jitendra Mohan Sharma, J)

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