

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28062 of 2017

Arising Out of PS.Case No. -89 Year- 2016 Thana -BUXAR MUFFSIL District- BUXAR

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Md. Salim Khan @ Md. Salim, son of Late Hafij Khan, resident of Village -
Rani Sagar, Police Station - Sahpur, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate.

For the Opposite Party : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
17.04.2016 in connection with Buxar (Muffasil) P.S. Case No. 89
of 2016 registered for the offence under Sections 25(1-B) A and
26 of the Arms Act.

The prosecution case, in brief, is that on 16.04.2016,
the petitioner was going towards station with plastic bag when the
informant tried to search him he protested. After this,, the
petitioner was searched in presence of two independent witnesses
and after search six country made pistol wrapped in the newspaper
was recovered in the bag.

Earlier the bail application of the petitioner was



rejected on 15.12.2016 passed in Cr. Misc. No. 51541 of 2016 with an observation “at this stage”. In light of the said observation, the present bail application has been preferred by the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 17.04.2016. He has remained in custody for more than one year. There is no allegation of tampering with the witnesses alleged against the petitioner. The arms recovered from possession of the petitioner is denied. There is no compliance of Section 100 Cr. P.C.

It is submitted by learned counsel for the State that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Buxar, in connection with Buxar (Mufasil) P.S. Case No. 89/2016.

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(Sudhir Singh, J)

