

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43203 of 2018

Arising Out of PS.Case No. -64 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Md. Rashid @ Pappu Son of late Md. Ishak @ Ishhak Miyan Resident of
Mohalla- Nauranga, P.S. Moffasil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Dilip Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 08-08-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 25(1-B), 26, 35 of the Arms
Act and Section 120-B of the Indian Penal Code.

Earlier the bail prayer of the petitioner was twice
rejected by this court and while rejecting the bail prayer of the
petitioner on 04.10.2017 in Cr. Misc. No. 36912 of 2017, this
court granted liberty to petitioner to renew his prayer for bail, if
his trial is not concluded within the period as fixed by this court
vide order dated 04.10.2017.

However, the trial court has reported that charge
against the petitioner could be framed on 10.04.2018 and in spite



of issuance of letter to Senior Superintendent of Police, Gaya not a single prosecution witness could be examined. The petitioner is in jail custody since 10.02.2016 and there is no likelihood of conclusion of trial of the petitioner in near future.

No doubt, in huge quantity firearms and cartridges are said to have been recovered from the house of the petitioner and others but considering the period of detention of the petitioner in jail custody as well as this aspect of the matter that only one case i.e. Civil Line P.S. Case No. 422 of 2014 under Sections 379 and 461 of the Indian Penal Code had been registered against the petitioner prior to institution of the present case, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Shri Amrendra Kumar, learned Judicial Magistrate 1st Class, Gaya in connection with Muffasil P.S. Case No. 64 of 2016, subject to condition that one of the sureties must be close relative of the petitioner, who shall swear an affidavit before the court below to this effect as to how is he/she related with the petitioner.

(Hemant Kumar Srivastava, J)

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