

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22728 of 2020

Arising Out of PS. Case No.-243 Year-2019 Thana- DHARHARA District- Munger

Md. Faiyaz Son of Late Md. Nizamuddin R/O Village - Mirjapur Bardah, P.S.
- Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode due to the present pandemic COVID-19,
the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.

Heard learned counsel for the petitioner and



learned counsel for the State.

A supplementary affidavit has been filed on behalf of the petitioner to the effect that inadvertently the name of the petitioner has been mentioned in para 1 of the petition as Md. Faiyz which ought to have been written as Md. Faiyaz

The petitioner is languishing in custody since 28.11.2019 in a case registered for the offences punishable under Sections 25(1-A), 25(1-AA), 25(1-B)/A, 26(1)(2)(3), 35 of the Arms Act.

The prosecution case as per the self statement of S.I. Ram Sharan Yadav recorded on 27.11.2019 at 8:10 a.m is to the effect that on secret information that in the gohar gas plant of Uday Bhanu Singh, illegal arms are being manufactured, raid was laid when two persons were apprehended who disclosed their names as co-accused Gulab Kumar and Gopal Kumar, sons of Uday Bhanu Singh. On the disclosure of the apprehended co-accused persons, raid was laid in the workshop from



where three persons were apprehended preparing illegal arms who disclosed their names as Md. Faiyaz (petitioner), co-accused Md. Raju and Md. Hussain and one completely manufactured and twelve partially manufactured pistols and articles used for manufacturing the firearms were recovered, leading to the registration of the case.

It is submitted by learned counsel for the petitioner that petitioner has no concern with the place of seizure and he has been made accused only on suspicion when no recovery has been made from his possession.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned A.P.P. submits that petitioner was apprehended while preparing country made pistol.

Considering the fact that investigation has already been concluded and the petitioner is not having



any criminal antecedent, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Additional Sessions Judge, V, Munger in connection with Sessions Trial No. 83 of 2020, arising out of Dharhara P.S. Case No. 243 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, V,



Munger in connection with Sessions Trial No. 83 of 2020, arising out of Dharhara P.S. Case No. 243 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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