

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26805 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- MUNGER MUFFASIL District- Munger

DANISH @ MD. DANISH S/o Late Saiyed Aalam @ Md. Sayad Alam
Resident of Village-Sujaalpur, P.S.-Muffasil, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Adv.

For the Opposite Party/s : Mr. Surendra Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-10-2020 Heard Mr. Kumar Kamal Nayan, learned counsel for
the petitioner and Mr. Surendra Pd. Singh, Additional Public
Prosecutor for the state through video conferencing.

2. Petitioner seeks regular bail in connection with
Mufassil PS Case No. 276/2019 registered for the offence
punishable under Sections 25(1-b)a, 26(1) (2), 35, 27 of the
Arms Act.

3. The allegation against the petitioner, as per First
Information Report, is that the police on the basis of information
that two persons have been shot dead in an orchard near Sadar
Block, proceeded towards the place of occurrence and arrested
the petitioner who disclosed that he has committed murder of
the two persons whose dead bodies were found in the orchard
and the petitioner also disclosed that he has kept the fire arm at
some other place and the police on the basis of said disclosure



has recovered one pistol and cartridges which were weapon of crime.

4. Learned counsel for the petitioner submits that the petitioner has unnecessarily been implicated in this case inasmuch as for the murder of the aforesaid two persons, the police arrested the petitioner and lodged Mufassil PS Case No. 275/2019 in which, on the identification of the petitioner, the weapons used in the crime were recovered. Learned counsel further submits that for the same incident, two FIRs have been lodged, one is Mufassil PS Case No. 275/2019 and second one for recovery of fire arm which is the present FIR.

5. Learned counsel submits that petitioner was apprehended on 21.09.2019 in connection with Mufassil PS Case No. 275/2019 and he has been remanded in this case on 20.11.2019 and since then he is in custody.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that petitioner was under custody in connection with Mufassil PS Case No. 275/2019 and the present FIR has been lodged for the same incident inasmuch as on the identification of the petitioner, firearm and cartridges have been recovered and the petitioner has remained in custody since



20.11.2019, I am inclined to grant regular bail to the petitioner subject to the condition that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

7. Accordingly, let the petitioner, DANISH @ MD. DANISH be released on bail, if he is not required in any other case, on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Munger in connection with Mufassil PS Case No. 276/2019.

8. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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