

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27433 of 2020

Arising Out of PS. Case No.-595 Year-2019 Thana- KISHANGANJ District- Kishanganj

Salman @ Md. Suleman @ Banka, Son of Late Md Haseeb Step Father Md
Olie @ Polia @ Parwez Alam, Resident of Village- Panibagh, P.S. and
District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-11-2020 Since as of now the Courts have not resumed normal
physical hearing, the matter has been listed today for
consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Kishanganj P.S. Case No.595 of 2019 registered for the offence
punishable under Sections 25(1-b)a, 26 of the Arms Act.

The police during patrolling have allegedly



apprehended co-accused Md. Faizan Mustafa. The petitioner has succeeded in fleeing away. There is an alleged recovery of one semi automatic pistol from the possession of Md. Faizan Mustafa.

Petitioner's counsel submits that on the confessional statement of co-accused Md. Faizan Mustafa, the petitioner has been implicated in this case, though there is no recovery of any incriminating material from the petitioner's possession. Co-accused Md. Faizan Mustafa has been allowed bail in Cr.Misc. No.15059 of 2020 and therefore, prayer for bail is also made on the ground of parity with the co-accused. The petitioner is in custody since 17.01.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No.595 of 2019, subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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