

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37869 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- KISHANGANJ District- Kishanganj

MD. GULAM MUSTAFA @ GHULAM MUSTAFA S/O TAMIJUDDIN R/O
MOHALLA-BALICHUKA, P.S.-GOALPOKHAR IN THE DISTRICT OF
UTTAR DINAJPUR (W.B.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-08-2021 Heard Mr. Sunil Kumar, learned counsel for the

petitioner and Mr. Anand Kishore Choudhary, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with

Kishanganj P.S. Case No. 174 of 2020 registered for the

offences punishable under Section 25(1-b)a, 26 and 27 of the

Arms Act.

This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail application

of the petitioner was rejected by this Court vide order dated

5.2.2021 passed in Cr. Misc. 38064 of 2020 with liberty to

renew his prayer for grant of regular bail after three months.



The allegation against the petitioner as per the First Information Report is that two country made pistols have been recovered from possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the procedure regarding search and seizure has not been followed by the Police at the time of alleged recovery of firearm from possession of the petitioner. Learned counsel next submits that the petitioner is in custody since 30.4.2020 and the trial is not likely to be concluded in near future due to Covid-19 pandemic.

Regard being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 30.4.2020 and the trial is not likely to be concluded in near future due to Covid-19 pandemic as well as this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Kishanganj P.S. Case No. 174



of 2020.

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

(Anil Kumar Sinha, J)

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