

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38650 of 2021

Arising Out of PS. Case No.-226 Year-2020 Thana- SABAUR District- Bhagalpur

Md. Ejamuddin @ Munna S/O Emamuddin R/O Village-Daharpur, P.S-
Goradih, District-Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

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

Petitioner seeks bail in connection with S.T. No. 08/2021 arising out of Sabour (Goradih) P.S. Case No. 226 of 2020 registered under Sections 25(i)(1-AA), 25(1(1-b)e), 26, 28 and 35 of the Arms Act.

There is recovery of mini-gun factory.

Learned petitioner's counsel submits that his implication is based on alleged identification by village *chowkidar* from a distance of 200 yards. Based on such



unreliable identification, the petitioner was arrested one month after the alleged recovery of the mini gun-factory. In the instant case, there is no recovery of any incriminating material from the petitioner. He is on bail in the earlier case pending against him as per details in para 3 of the application. He is in custody since 23.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named 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 A.D.J.-X, Bhagalpur in S.T. No. 08/2021 arising out of Sabour (Goradih) P.S. Case No. 226 of 2020, 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.

(Madhuresh Prasad, J)

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