

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1325 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- GHANSHYAMPUR District- Darbhanga

MD. RASHID @ MD. RSID @ RAJA SON OF LATE MD. RAJAK
RESIDENT OF VILLAGE - BELAHI, POLICE STATION - BITHAN,
DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-05-2021

In view of sudden resurgence of COVID – 19 infection there has been imposition of lockdown for the last couple of weeks, there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and the learned counsel for the informant as well as learned APP for the State.

The petitioner seeks bail in Ghanshyampur P. S. Case No. 78 of 2020 registered for the offence under Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

The police party has raided the house of co-accused Shamim Akhtar with the intention of arresting one Ajay Mukhiya. It is alleged that certain persons have resorted to firing upon the police party. From the house two persons, including the petitioner, have been arrested. One country made pistol with magazine has been recovered from the petitioner's possession.

Learned counsel for the petitioner submits that on account



of five criminal antecedents, the petitioner he has been implicated in this case on suspicion. It is submitted that even in the five pending cases against him, he is not named as an accused, and he is on bail in all the five cases. In the instant case, he is in custody since 20.04.2020. The arms recovered from the petitioner has not been subjected to forensic examination to ascertain whether any firing has been done from the weapon allegedly recovered from the petitioner. He denies and disputes recovery of the weapon from his possession.

Learned APP has opposed the prayer for bail. He submits that there is allegation of firing upon the police party.

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 ACJM, Biraul, Darbhanga, in connection with Ghanshyampur PS. Case No. 78 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.

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(Madhuresh Prasad, J)

