

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4979 of 2023

Arising Out of PS. Case No.-203 Year-2021 Thana- MANSI District- Khagaria

Md. Arif Raja @ Md. Arib Raja, Son of Safi Aalam, Resident of Village-
Kanhaiya Tola, Banglapar, P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner, who is in custody since 18.07.2021, has renewed his prayer for bail in connection with Mansi P.S. Case No. 203 of 2021, having earlier been rejected by order dated 04.07.2022 in Cr. Misc. No.11638 of 2022 for the alleged offences under Sections 25 (1-b)a, 26 and 35 of the Arms Act.

As per prosecution case, the petitioner was apprehended on the basis of secret information and from the bag of the petitioner, six country made automatic pistols with six extra magazine were recovered apart from one mobile phone.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing



incriminating has been recovered from the person/possession of the petitioner. The alleged recovery is planted. Seizure list witnesses are all police personnel, though the place where recovery was made was a crowded place. During investigation, no independent witness has come forward to support the prosecution case. The learned counsel for the petitioner further submits that the petitioner had earlier moved before this Court for grant of bail in Cr. Misc. No.11638 of 2022 and his prayer for bail was rejected vide order dated 04.07.2022 with a liberty that if the trial was not concluded within six months, the petitioner might renew his prayer for bail. The learned counsel further submits that the petitioner is in custody since 18.07.2021 and the trial has not been concluded till date and the same is not expected to conclude in near future as the trial is still at the stage of appearance of the accused persons and has not proceeded any further.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is having criminal antecedents of two cases and recovery of huge arms and ammunitions were made from this petitioner.

Perused the records.

A report was called for from the learned trial court



and from the report of the learned trial court, it appears that one of the accused persons, who has been granted bail, has not been appearing in the case and due to this reason, the trial has not proceeded against the petitioner.

However, having regard to the facts and circumstances of the case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Mansi P.S. Case No. 203 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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