

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79187 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- SABAUR District- Bhagalpur

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AZAMUDDIN @ MUNNA @ MD. EJAMUDDIN Son of Late Emaduddin
@ Late Emamuddin R/o vill - Daharpur, P.S. - Goradhi, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.T. Case No. 737 of 2022, arising out of Sabour (Goradih) P.S.
Case No. 95 of 2022, dated 14.03.2022 registered for the
offence(s) punishable under Section(s) 25(1), (1-AA), 25(1)(1B)
(e), 26, 28 and 35 of the Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier attempt for the said relief
was rejected by this court vide order dated 24.04.2023 passed in
Cr. Misc. No. 64306 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned counsel
for the petitioner are that the petitioner earlier preferred
criminal miscellaneous petition for the relief of regular bail



which was rejected by this bench with granting a liberty to the petitioner to renew his bail prayer, if no significant progress is made in the next six months in the trial of the petitioner from the date of the said rejection order and the trial court was also directed to expedite the trial of the petitioner and conclude the same in the next one year from the date of said order but even then no prosecution witness has been produced and examined by the prosecution till date despite all the prosecution witnesses being official persons which shows the lingering attitude of the prosecution in completing the petitioner's trial. Further submission is that the petitioner has been languishing in jail since 06.05.2022 and co-accused persons namely, Md. Mahfooj @ Karu and Md. Khus Nayad who were apprehended at the spot have been granted bail by co-ordinate benches of this court vide orders passed in Cr. Misc. No. 44042 of 2022 and 5655 of 2023 respectively and the petitioner has got bail in all his antecedent cases.

5. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Heard both the sides. Though, the instant matter relates to serious allegation of running a mini-gun factory by this petitioner but the prosecution seems to be very careless in



producing and examining of its witnesses despite all the witnesses whose details is given in the chargesheet being official persons as per above submission and upon the petitioner the charges were framed on 06.02.2023 and thereafter several dates have passed but even then no prosecution witness has been produced and examined by the prosecution and petitioner has again come before this court in the light of the liberty given to him by this bench. Considering these facts and mainly taking into account prosecution's lingering attitude in producing and examining the prosecution witnesses and also taking into account the petitioner's custody period and the privilege of bail to two co-accused persons having been granted by co-ordinate benches, this court is now inclined to accept the bail prayer of the petitioner. Accordingly, let the petitioner named-above 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 concerned Court in connection with S.T. Case No. 737 of 2022, arising out of Sabour (Goradih) P.S. Case No. 95 of 2022 with following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive



dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

7. Let the order's copy be sent to the D.G.P, Bihar for needful action against the concerned negligent officials.

(Shailendra Singh, J)

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