

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7048 of 2024

Arising Out of PS. Case No.-35 Year-2018 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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Saiyed Ali Son Of Md. Kamaluddin R/O Vill - Bela Chhapra, P.S. - Bela,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-02-2024 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner and Mr. Dilip Kumar No. 1 learned Additional Public

Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 25(1-b)a/26/27 of the Arms
Act.

3. This is the third attempt of the petitioner to
approach before this court for bail. Earlier, vide order dated
23.09.2021 and 31.08.2022 passed in Cr. Misc. No. 13340 of
2021 and Cr. Misc. No. 39859 of 2022 respectively, the prayer
for bail of the petitioner was rejected.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He submits that earlier vide order dated 31.08.2022 passed



in Cr. Misc. No. 39859 of 2022, the trial court was directed to conclude the trial as expeditiously as possibly preferably within six months but till date trial has not been concluded. He further submits that the petitioner is languishing in judicial custody for more than five years.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bela P.S. Case No. 35 of 2018, subject to the conditions:

(I) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He 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 and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the



local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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