

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63360 of 2024

Arising Out of PS. Case No.-99 Year-2024 Thana- ISLAMPUR District- Nalanda

Md. Ejaj Alam @ Md. Ajaj Son of Late Md. Nezam Miya @ Late Md. Nizamuddin @ Nazamuddin Resident of Village - Mohalla - North Malah Bigha, P.S. - Islampur, District - Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Ranjan, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the informant	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr. Adarsh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-12-2024 Heard Mr. Priya Ranjan, learned counsel for the petitioner and Mr. Yogesh Chandra Verma, learned Senior counsel duly assisted by Mr. Adarsh Singh for the informant and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in custody in connection with Islampur P.S. Case No. 99 of 2024 for the offence punishable under sections 25(1-B)(a), 26 and 35 of the Arms Act lodged on 07.03.2024 by the informant, Sanjiv Kumar Singh.

3. As per the prosecution story, the police upon information about firing going on between the parties, registered a 'Sanha', reached the house of Md. Ejaj Alam and got information that his son, Md. Imran Hasan @ Raja has fired



upon Md. Nesar Alam who was rushed to the hospital. The house was thereafter raided and both Md. Imran Hasan, the main accused as also Md. Ejaj Alam were arrested. Upon search, 69 live cartridges (.315 bore), two country made revolver and other 25 live cartridges along with magazine of 7.65 bore recovered/seized. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that allegation is against his son, Md. Imran Hasan @ Raja that he injured Md. Nesar Alam. Further, he is an aged person, almost blind and moves with the help of support, the recovery/seizure relates to his son and is in custody since 07.03.2024 and if granted bail, shall be diligently appearing in trial.

5. Learned counsel for the informant, on the other hand, opposes the prayer submitting that recovery/seizure of arms are from the house.

6. Taking into account the aforesaid facts as also the submission put forward by the parties and further direct allegation is against Md. Imran Hasan that he opened fire causing the injury, the role of the petitioner is that of order giver in the Islampur P.S. Case No. 100 of 2024, he has remained in custody since 07.03.2024 and the son is also the accused in the



recovery of arms case, in this background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of ACJM, Hilsa, Nalanda or successor court in connection with Islampur P.S. Case No. 99 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation for Mr. Priya Ranjan and Mr. Adarsh Singh, both appearing on behalf of the petitioner and informant respectively, for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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