

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46873 of 2015

Arising Out of Sabour (Goradih)PS.Case No. -328 Year- 2014 Thana -SABAUR District-
BHAGALPUR

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Md. Zarif @ Zariful Alam, son of Md. Noor Alam, resident of Village-
Daharpur. Police Station- Goradih, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Syed Masleh-Uddin Ashraf, Advocate.

For the Opposite Party : Mr. Manish Kumar-II(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-03-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Sabour (Goradih) P.S. Case No. 328 of 2014 registered for
offences punishable under Sections 25(1) (1-AA), 25(1-(1) (1-
b)e, 26, 28 and 35 of the Arms Act.

The prosecution case is that on secret information
that some criminals are manufacturing arms in the Mango
Orchard of petitioner Md. Zarif @ Tunna, the police party lead by
Shri Rakesh Kumar raided the said orchard on 30.11.2014 at 4.30
hours and recovered live cartridges, unfinished arms and other
articles meant for preparing arms and prepared a seizure list.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent, nothing has been



recovered from his conscious possession and he has no criminal history. It has further been submitted that the name of petitioner is only Md. Zarif and his name alias Tunna has been wrongly mentioned in the order to implicate the petitioner in the aforesaid offence. It has further been submitted that the Mango Orchard does not belong to him. Earlier by an order dated 27.01.2016 the case diary was called for and from perusal of various paragraphs of the case diary, the supervision note and paragraph-44 and the statement of two witnesses in para-53 state that the petitioner's name is Md. Zarif @ Tunna and the witnesses have stated that the Mango Orchard belongs to the petitioner by way of partition.

The learned A.P.P. on the basis of the said statement of supervision note and the statement of witnesses has opposed the prayer for bail.

Since the Mini Gun Factory was alleged to have been operating in the alleged Mango Orchard of the petitioner, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail stands rejected.

However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and

pray for regular bail, the same will be heard by the learned Court
below on the same day and disposed in accordance with law.

(Nilu Agrawal, J.)

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