

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18117 of 2020**

Arising Out of PS. Case No.-127 Year-2019 Thana- ASARGANJ District- Munger

MD MUNAZIR Son of Md Zabbar Resident of Village - Bishanpur, P.S.-
Asarganj, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Indu Bhushan, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard Mr Indu Bhushan, learned counsel for the
petitioner as well as Ms Pushpa Sinha, learned APP for the
State.

Petitioner seeks bail in Asarganj Police Station (for
brevity, *PS*) Case No 127 of 2019 instituted for the offence
punishable under Sections 25 (1-B)A, 25 (1-AA), 25 (1-C)A, 26
(i) (ii) (iii), 35 of Arms Act.



Allegation in the first information report, lodged by the Sub Inspector of Police of the concerned PS, is that acting on secret information, he had gone to Bahiyar orf Bishanpur Village to verify the allegation that a Mini Gun Factory was running there. Three persons are allegedly found there. They all fled away. Md Aurangzeb and Md Rizwan @ Dablu have been apprehended and they disclosed the name of third person Md Mofir. Subsequently, the three persons have stated the name of petitioner as being the person who used to supply the material and labour charges for the arms being prepared.

Petitioner's counsel submits that other than statement of co-accused, there is nothing to implicate the petitioner in the instant case. No recovery whatsoever has been made from his possession. He is in custody since 17.01.2020, on which date he had voluntarily surrendered in the Court below. Since arrest, the petitioner has not been put on Test Identification Parade and it is submitted that petitioner's implication is based on persistent enmity with co-accused.

The learned APP for the State opposed the prayer for bail. She has submitted that the persons, who were apprehended, were running Mini Gun Factory and they took the name of the petitioner also.



Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Munger in Asarganj PS Case No 127 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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