

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 22737 of 2020**

Arising Out of PS. Case No.-80 Year-2020 Thana- MUNGER MUFFASIL District- Munger

MD MAHFUJ, S/o Md Sudho @ Shamsheer Resident of Village- Mirzapur
Bardah, P.S.- Mufassil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Md Harun Quareshi, Advocate
For the Opposite Party/s : Ms Rina Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 29-09-2020 As of now, the Courts have not resumed normal physical hearing. 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 learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends his arrest in connection with Mufassil Police Station (for brevity, *PS*) Case No 80 of 2020 instituted for the offence punishable under Section (s) 25 (1-AA), 25 (1-B)a, 26 (1) (2) and 35 of Arms Act.



The prosecution case is that, acting on confidential information regarding assembly of certain persons for trading arms, the police party proceeded to the place. One person has been arrested and from him, two pistols along with magazine and three other magazines were also recovered from his bag. One other pistol has been recovered from his lungi. Rs 2,600/- and one Samsung Mobile Phone have also been recovered from him. It is upon confessional statement of the arrested person that the petitioner's name has been dragged in the instant case.

Petitioner's counsel submits that other than confessional statement of co-accused Md Sonu, there is nothing to even suggest the petitioner's implication. The petitioner is having clean antecedent and is apprehending his arrest without any basis. The petitioner's apprehension is because he is a victim of the circumstances as his motorcycle is alleged to have been recovered from near the place where the co-accused was arrested.

Learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the



Court below, within four (04) weeks from today, he shall 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 Chief Judicial Magistrate, Munger in connection with Mufassil PS Case No 80 of 2020 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) 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 bailor 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 date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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