

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13977 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- KHARHAGPUR District- Munger

1. MD. MAHFOOJ @ MAHIFA S/o Md. Soodan R/o village- Bardah, P.S.- Mofassil, District- Munger
2. MD SHAMIM S/o Md. Soti R/o village- Bardah, P.S.- Mofassil, District- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of eight weeks.

The petitioners are apprehending their arrest in a case registered under Sections 25(1-A), 25(1-AA), 25(1-B)a, 26(1) and 35 of the Arms Act.

The prosecution allegation, in short, is that three loaded pistols and one cartridge are recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners



have falsely been implicated in the present case. There is no recovery of arms from the possession of the petitioners. Arms is said to have been recovered from the possession of co-accused. The name of the petitioners have transpired on the basis of confession of co-accused. Except for this, there is no other substantive evidence to suggest their implication in the present case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. -IV, Munger in connection with Haweli Kharagpur (O.P. Shampur) P.S. Case No. 251 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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