

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16312 of 2021**

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

Md.Chunnu @ Md.Tarikh Anwar, Male, aged about 35 years, Son of Late
Md. Sadho @ Md. Sadic, Resident of Village/Mohalla-Mirzapur, Bardah PS
Mufassil, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 30-07-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 27.07.2021, which was allowed.

3. Heard Mr. Sanjiv Kumar Singh, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Kharagpur (Shampur) PS Case No. 251 of 2020 dated 22.09.2020, instituted under Sections 25(1-A), 25(1-AA), 25(1-B)(a) and 26(1) and 35 of the Arms Act, 1959.



5. As per the FIR, police received secret information on 22.09.2020 that Ashok Bind along with some of his associates was manufacturing illegal arms in village Ramgiriya Hill and when they went to the place, three persons, namely, Md. Aurangzeb, Ashok Bind and Bajrangi Kumar were arrested and the persons who had fled away were identified by the arrested persons, which included the petitioner. It was submitted that except for the statement of the co-accused who were caught, that too before the police, there is nothing to connect the petitioner to the firearms, semi-finished firearms as also materials for manufacture of arms, which have been recovered from the spot. It was contended that the petitioner has been falsely implicated due to extraneous considerations as no independent witness has come forward to say that the petitioner was also at the spot. It was submitted that the petitioner has no other criminal antecedent.

6. Learned APP submitted that there has been recovery of firearms, semi-finished firearms as well as manufacturing equipment which shows that an illegal gun factory was being run. However, it was not controverted that the name of the petitioner has transpired only from the confessional statement of the arrested three persons before the police.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds force in the contentions of learned counsel for the petitioner. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, IVth, District- Munger in Kharagpur (Shampur) PS Case No. 251 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent



on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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