

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27235 of 2021**

Arising Out of PS. Case No.-664 Year-2020 Thana- KHAGARIA District- Khagaria

1. Md. Miraj Son Of Md. Siraj Resident Of Village - Hazratganj Bara, P.S.- Kasimbazar, Distt.- Munger.
2. Md Salim Son Of Md. Firoj Resident Of Village - Hazratganj Bara, P.S.- Kasimbazar, Distt.- Munger.

... .. Petitioners

Versus

The State Of Bihar

... Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Prashant Kumar, Advocate  
For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      06-08-2021                      Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 25/26/35 of the Arms Act.

As per the prosecution case, on the secret information that some miscreants are indulged in manufacturing illegal fire arms in a rented house, raid was conducted and 28 half finished fire arms with other articles were seized.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. Petitioners are merely hired labourers of co-accused Anil Kumar Sharma @ Rikku Sharma and the house from where recovery has been made does not belong to them. No incriminating material has been recovered from the conscious possession of the petitioners. The mandatory provision of law for search and seizure given under section 100 Cr.P.C. has not



been followed. Petitioners have got clean antecedent and they are in custody since 9.9.2020. Charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties and the materials available on the record, let the petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in GR No.2728 of 2020/Khagria (Muffasil) Police Station Case No. 664 of 2020 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J)**

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