

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27671 of 2021

Arising Out of PS. Case No.-295 Year-2020 Thana- KHUSRUPUR District- Patna

1. MD. IMRAN, Son of Md. Aarif, Resident of Hajratganj, Khankah, Ward No. 32, Gali No. 13, P.S.- Kasim Bazar, District - Munger.
2. Md. Imran @ Manaur Son of Md. Khalil Ahmad R/o Hajratganj, P.S.- Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Md. Najmul Bari, Adv.

For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Jagdhari Prasad, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Khushrupur P.S. Case No.295/2020 registered for the offences punishable under Section 120B/34 of the Indian Penal Code and Sections 25(1-AA), 26(i)(ii), 35 of the Arms Act. They are in custody since 05.09.2020. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as per



the prosecution story when the police party raided the godown which belong to co-accused Amrik Singh and Madhusudan Singh of village Hardas Bigha, on seeing the police party four persons started fleeing away. It is alleged that these two petitioners were also among the persons who were trying to flee away on seeing the police party but were arrested on chase.

Learned counsel submits that these petitioners are labourers, they were hired by the villagers for repairing of hand-pumps and for that reason they were present there but have been falsely implicated in the present case. It is further submitted that these petitioners are neither the co-villager of the owner of the godown nor they have any other way concern with the godown from which the alleged seizure of equipments which are used in manufacturing of arms have been made.

It is lastly submitted that the co-accused Md.Shakil and Md. Sonu who are similarly situated with the petitioners have been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.24892 of 2021. These petitioners have remained in custody for over one year, investigation against them is complete and they have got no criminal antecedent.

Mr. Jagdhar Prasad, learned APP for the State has though opposed the prayer for regular bail of the petitioners, but



at the same time does not find any distinguishing feature between the case of these petitioners and that of those who have been granted bail by the learned coordinate Bench of this Court.

Considering the facts and circumstances of the case, the petitioners are not the owner of the godown and they are resident of another village as also that similarly situated co-accused have been granted bail by a learned coordinate Bench of this Court and the petitioners have remained in custody for over one year, investigation against them is complete but the trial is not likely to be concluded in near future, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of Smt. Sushmita Kumari, J.M.-1st Class, Patna City in connection with Khusrupur P.S. Case No.295/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

