

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 1357 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana-SONO District- Jamui

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1. Nasim Mian , aged about 55 years, gender-Male son of Hanif Mian.
2. Farukh Ansari aged about 25 years gender-Male son of Nasim Mian Both of
village- Boutha, P.S. Charkapath District Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opp. Party

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Appearance :

For the Petitioner : Mr Ranjay Kumar Singh, Advocate
For the State : Mr Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 01-06-2021 In view of the sudden resurgence of Covid-19 infection,
there is limited functioning of the High Court and, therefore, the
matter has been listed today for consideration through virtual
mode.

Heard learned counsel for the petitioners and learned
counsel for the State

The petitioners seek bail in Sono (Charkapathar) P.S. Case
No. 104 of 2020, instituted for the offence under Sections 25(1-
A)/25(1-AA)/25(1-B)/26/35 of the Arms Act.

Learned counsel for the petitioners is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The prosecution case is that two country made weapons,
some iron barrels and tools capable of use in manufacturing of
firearms has been recovered from the house of the petitioners.
Petitioner nos. 1 and 2 are father and son respectively.



It is the submission of the petitioners' counsel that the petitioners are victim of false implication by the police on extraneous consideration. The falsity of the allegation is apparent from the fact that at about 10.30 AM the seizure list has been prepared whereas in the FIR the time of raid has been mentioned as 11.30AM. The petitioners are in custody since 16.05.2020 having no criminal antecedents. The further submission is that the recovery was made in absence of the petitioners and the alleged offence under Section 25(1-B) has got no application in this case as the same relates to acquisition, possession or carriage of prohibited arms and ammunition. The sum and substance of the submission is of false implication. The seizure list is endorsed and statement recorded of only the "Jawan". It is the only material forming the basis of the petitioners' implication. No independent witness has supported prosecution case in course of investigation.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui, in connection with Sono (Charkapathar) P.S. Case No. 104 of 2020, subject to the further 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.

shyambihari/-

(Madhuresh Prasad, J)

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