

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6297 of 2021

Arising Out of PS. Case No.-225 Year-2020 Thana- GORAUL District- Vaishali

MD. AFROJ Son of Md. Mokhtar Resident of Village- Jhingoi, P.S.- Khaira,
Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Goraul (Kathara) Police Station Case No. 225 of 2020,
registered for the offences punishable under Sections 25(1-
A)/25(1-AA)/25(1-B)/26(1) (2) (3)/35 of the Arms Act.

The prosecution case, as per the First Information
Report, is that the informant, who is the Station House Officer
of the Police Station, on receiving information from his superior
officers that one Saheb Raja is running a mini gun factory with
his associates in his house, proceeded towards the place of
occurrence and arrested Saheb Raja and his two sons, namely,
Sarfe Alam and Ashif Raja and recovered some materials used



for manufacture of firearms and cartridges. It has further been alleged that the petitioner, who was sitting in the said house, was also arrested from the spot.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely because he had visited the house of co-accused Saheb Raja along with his relative, Laddan. He next submits that no incriminating material has been recovered from the possession of the petitioner. He next submits that co-accused persons, namely, Saheb Raja, Sarfe Alam and Ashif Raja, have been granted bail by co-ordinate Bench of this Court, vide order, dated 02.06.2021, passed in Criminal Misc. No. 9756 of 2021. He next submits that the petitioner is in custody since 29.06.2020 and charge sheet has been submitted against the petitioner, as such, there is no likelihood of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused persons, from whose house materials and tools regarding manufacture of firearms and cartridges were recovered, have been granted bail by this Court, the petitioner is in custody since 29.06.2020, and charge sheet



has been submitted against him, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty five thousand) each with two sureties of the like amount to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Vaishali, at Hajipur, in connection with Goraul (Kathara) Police Station Case No. 225 of 2020, subject to the following conditions:

(1) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

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

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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