

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9756 of 2021

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

1. SARFE ALAM @ SAFRE ALAM 32 YEARS (MALE) SON OF SAHEB RAJA @ MD. SAHEB RAJA RESIDENT OF VILLAGE- CHAPAITH (CHAKAULIA), P.S.-GORAUL (KATHARA O.P.), DISTRICT-VAISHALI.
2. ASHIF RAJA 40 YEARS (MALE) SON OF SAHEB RAJA @ MD. SAHEB RAJA RESIDENT OF VILLAGE- CHAPAITH (CHAKAULIA), P.S.-GORAUL (KATHARA O.P.), DISTRICT- VAISHALI.
3. SAHEB RAJA @ MD. SAHEB RAJA 75 YEARS (MALE) SON OF SAFI AHMAD RESIDENT OF VILLAGE- CHAPAITH (CHAKAULIA), P.S.-GORAUL (KATHARA O.P.), DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Bela Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Goraul (Kathara O.P.) P.S. Case No. 225 of 2020, registered for the offence under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(A)(2)(B), 35 of the Arms Act.

As per the prosecution case, a mini gun factory was running in the house of petitioners and huge quantity of arms & ammunition and manufacturing instruments of arms were recovered.

It is submitted on behalf of petitioners that nothing



has been recovered from conscious possession of the petitioners. In fact, the house, in question, was handed over on rent to co-accused Md. Sanauhar Alam @ Md. Laddan of Munger District in the year 2017 and Md. Sanauhar Alam and his associates were residing in the house. It is further submitted that these petitioners have been residing in Karnataka State for their livelihood for the last 20 years. Petitioners claim clean antecedent and they are in custody since 29.06.2020. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

However, considering the aforesaid facts & circumstances, period of custody and clean antecedent of petitioners, the bail petition of petitioners is allowed. Let the above named petitioners be released 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 learned Additional Chief Judicial Magistrate I, Vaishali in connection with Goraul (Kathara O.P.) P.S. Case No. 225 of 2020, on the following conditions:

“(1) Petitioners 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 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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