

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2972 of 2022**

Arising Out of PS. Case No.-25 Year-2021 Thana- SURYAGARHA District- Lakhisarai

1. Mohammad Babar Son of Mohammad Islam Resident of Village- Mirjapur Vardah, P.S.- Muffasil, District- Munger.
2. Mohammad Rijwan Son of Mohammad Manjur Resident of Village- Mirjapur Vardah, P.S.- Muffasil, District- Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Madhav Raj, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      27-04-2022                      Heard learned counsel for the petitioners and the learned APP.

Petitioners are in custody in connection with Suryagarha P.S. Case No. 25 of 2021 for the offence under sections 25(i)a, 25(1-AA), 25(1-AC), 25(1-b)a, 25(1-B)c, 26(i)(ii), 35 of the Arms Act.

The allegation against these petitioners is that upon police confidential information when they proceeded to the spot, where after some of those present there tried to flee but were nabbed. Subsequently, search operation of the nearby hut belonging to one of the accused, Raja Singh was made and number of illegal arms were seized. This led to institution of



Suryagarha P.S. case aforesaid.

The alleged occurrence is of 28.01.2021 and the petitioners are in jail custody since 29.01.2021.

As per the statement made in para-3 of the bail application, the petitioners have got no criminal antecedent. Admittedly, the hut belongs to accused Raja Singh from where illegal arms were seized and there was no recovery from the possession of the petitioners.

Learned counsel for the petitioners submit that charge-sheet has already been submitted in the matter.

Considering the fact that charge-sheet has already been submitted in this case, the petitioners have no criminal antecedents (as stated in para-3 of the bail application) and they are in custody since 29.1.2021, this Court is inclined to grant the privilege of bail to them. However, if it is found that if any of the two petitioners are having criminal antecedent and have made false statement in para-3 of the bail application, the bail order shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Suryagarha P.S. Case



No. 25 of 2021 subject to the following conditions:

(i) one of the bailors must be family member of the petitioners who shall submit an affidavit showing his relation with them. The bailor will have the duty to inform the Court if there is any change in the address of the petitioners;

(ii) the petitioners will visit the Suryagarha police station every fortnight for the next six months and mark their presence there;

(iii) the petitioners shall cooperate with the trial and will ensure their presence on each and every date. Failure to do so for two consecutive two dates without any plausible reasons their bail bonds shall be cancelled by the learned court below;

With the observation and condition stipulated above the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

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