

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33250 of 2021

Arising Out of PS. Case No.-666 Year-2020 Thana- KHAJANCHI HAT District- Purnia

SHAHABUDDIN Son of Late Gohar @ Gohar Ali Resident of Village-
Bhangara Nadaf Toli Near Masjid, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 33995 of 2021

Arising Out of PS. Case No.-666 Year-2020 Thana- KHAJANCHI HAT District- Purnia

MD. RIJWAN @ MD. RIZWAN Son of Abdul Rahman Resident of Village -
Raycharan Paul Lane, P.S.- Topsia, District - Kolkata (West Bengal) 700046.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33250 of 2021)

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr.Md. Hussain, Advocate

For the Opposite Party/s : Ms. Veena Rani Prasad, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 33995 of 2021)

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr.Md. Hussain, Advocate

For the Opposite Party/s : Mr.Veena Rani Prasad, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-02-2022 Both the aforesaid applications arise out of the

same K.Hat (Sahayak) P.S. Case No. 666 of 2020 registered

under Sections 25(1-B)a, 25(1-aa), 26 and 35 of the Arms Act.

Therefore, both the aforesaid applications have been heard

together and are being disposed of by this common order.

Heard learned counsel appearing on behalf of the



petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners, who are in custody since 05.12.2020 and 02.12.2020, respectively, seek regular bail in connection with K. Hat (Sahayak) P.S. Case No. 666 of 2020, for the offence punishable under Sections 25(1-B)a, 25(1-aa), 26 and 35 of the Arms Act.

The prosecution case, in brief, is that on 01.12.2020 at 18.15 O'clock, a team of Police headed by the informant Amit Kumar, Officer-In-Charge of K.Hat (Sahayak) Police Station reached at the Atiyana Bus Office situated at Taxi Stand road and started searching the passengers boarded in the bus. It is further alleged that co-accused Sk. Anwar and the Md. Rijwan (Petitioner in Criminal Miscellaneous No. 33995 of 2021) were found sitting in seat No. 29 and 30, respectively, and on search, one bag containing 11 country made pistols and two tickets of Atiyan Travels and one mobile along with other goods were seized from the lap of the petitioner Md. Rijwan and two mobiles some cash and one Adhar Card were seized from the possession of co-accused S.K. Anwar. Thereafter, the seizure list was prepared and the aforesaid petitioner Md. Rijwan was



apprehended from the spot. It is further stated in the F.I.R. that petitioner Md. Rijwan did not disclose any satisfactory reply regarding the acquisition of aforesaid illegal firearms. On being asked about the arms, the petitioner Md. Rijwan replied that he acquired the aforesaid arms from Shahabuddin (Petitioner in Criminal Miscellaneous No. 33250 of 2021) on instruction of one Rahamtullah @ Titu.

Learned counsel appearing on behalf of the petitioner submits that petitioners are innocent and they have committed no offence. He further submits that nothing has been recovered from the possession of Shahabuddin (Petitioner in Criminal Miscellaneous No. 33250 of 2021). He further submits that the name of petitioner Shahabuddin surfaced in the confessional statement of co-accused.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case and the fact that Shahabuddin (Petitioner in Criminal Miscellaneous No. 33250 of 2021) has not been apprehended on the spot, there is no allegation of tampering the evidence or influencing the witness and the trial of the petitioners is not likely to be completed in near future due



to pandemic of Covid-19, the petitioner in Criminal Miscellaneous No. 33250 of 2021, namely, Shahabuddin, is directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K.Hat (Sahayak) P.S. Case No. 666 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

So far as the prayer for grant of bail to Md. Rijwan @ Md. Rizwan (Petitioner in Criminal Miscellaneous No. 33995 of 2021) is concerned, 11 country made pistols along with other goods were recovered from the possession of Md. Rijwan, it



appears that he is a member of interstate gang, who is involved in purchase and sell of illegal arms, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail filed on behalf of petitioner Md. Rijwan is rejected.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

