

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41653 of 2021

Arising Out of PS. Case No.-259 Year-2020 Thana- DIDARGANJ District- Patna

MD. SOYEB ALAM Son of Md. Jasimuddin Resident of Mirjapur Bardah,
P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv.
		Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Didarganj P.S. Case No. 259 of 2020 registered for the offences punishable under Sections 120(b)/34 of the IPC and Sections 25(1-AA), 26/(2)(ii)/35 of the Arms Act.

The prosecution case in short is that police force having raided the poultry farm of the co-accused namely Munna Singh @ Ramesh Kumar, recovered the equipments which had been used for manufacturing arms from beneath the floor of the



poultry farm. It is also alleged that some semi-manufactured and newly manufactured country made pistols, cartridges, mobile phones etc. were recovered.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that in fact the petitioner is labour in the factory. He further submits that petitioner was hired by Munna Singh and Mukesh Kumar Patel for manufacturing illegal firearms. He further submits that nothing has been recovered from conscious possession of the petitioner rather recovery has been made from poultry farm of co-accused Munna Singh. The police after investigation submitted charge sheet against the petitioner. He further submits that co-accused, namely, Md. Istekhar @ Md. Imtiyaz, Md. Mahafuj, Vinod Ram and Md. Kamal have been granted bail by a co-ordinate Bench of this court vide order dated 04.01.2022 passed in Cr. Misc. Nos. 40846 of 2021, 41070 of 2021, 40594 of 2021 and 41289 of 2021 respectively. Similarly, co-accused Raja Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 25.10.2021 passed in Cr. Misc. No. 41729 of 2021 and the case of the petitioner is on similar footing and the petitioner is in custody since 05.12.2020.



The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, 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 Sub Judge-IV-cum Additional Chief Judicial Magistrate-IV, Patna City in connection with Didarganj P.S. Case No. 259 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court 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 the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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