

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40982 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

Md. Mustafa Son of Late Gaffar Resident of Village - Natesar, P.S.-
Neemchak Bathani, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Neemchak Bathani P.S. Case No. 45 of 2022 registered for the

offences punishable under Sections 25(1-b)a, 26 and 35 of the

Arms Act.

Allegedly, fire-arms were recovered from the house of

co-accused persons Raju Khan and Maqsood Alam and the

petitioner and co-accused persons were found in the house of

co-accused Raju Khan.

The main submissions advanced by the learned



counsel Mr. Shakil Ahmad Khan for the petitioner are that the alleged fire-arms were not recovered from the possession of this petitioner and the recovery of the said fire-arms were made from the houses of the co-accused persons Raju Khan and Maqsood Alam and as per the prosecution only one mobile phone is stated to have been recovered from the possession of this petitioner and similarly situated three co-accused persons namely, Md. Shamsheer Alam, Amit Raj and Nirbhay Kumar have been granted bail by a co-ordinate Bench of this Court vide orders passed in Cr. Misc. Nos. 38314 of 2022, 44537 of 2022 and 46337 of 2022 respectively.

Learned APP Mr. Mukesh Kumar Singh appearing for the State has opposed the bail prayer.

In view of above submissions and mainly considering the facts that the recovery of the alleged fire-arms was made from the house of two co-accused persons namely Maqsood Alam and Raju Khan, though the petitioner was found to be present at the house of co-accused Raju Khan but from his possession only one mobile phone was allegedly recovered and also considering the petitioner's custody period and the fact that some similarly situated co-accused persons have been granted bail by a co-ordinate Bench of this Court vide orders passed in



above-mentioned Cr. Misc. cases, in the opinion of this Court this petitioner also deserves to the same privilege, hence a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Neemchak Bathani P.S. Case No. 45 of 2022.

(Shailendra Singh, J.)

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