

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64447 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- MUNGER MUFFASIL District- Munger

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Md. Shahid S/O Md. Shamad R/o village- Mirzapur Bardah, P.S.- Muffasil,  
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 65382 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- MUNGER MUFFASIL District- Munger

1. Md. Sakib @ Md. Shakib Son of Md. Samad Resident of Village- Mirzapur Bardah, P.S.- Muffasil, District- Munger.
2. Md. Azad @ Md. Aazad Son of Md. Samad Resident of Village- Mirzapur Bardah, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with  
**CRIMINAL MISCELLANEOUS No. 67379 of 2021**

Arising Out of PS. Case No.-124 Year-2021 Thana- MUNGER MUFFASIL District- Munger

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Md. Samad son of late sheikh chedi resident of village - mirzapur bardah,  
p.s.- Muffasil, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 64447 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the State : Mr. Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 65382 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the State : Mr. Umanath Mishra, APP

(In CRIMINAL MISCELLANEOUS No. 67379 of 2021)

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the State : Mr. Raj Kishore Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      28-06-2022                      **Cr. Misc. No. 64447 of 2021**

Heard learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 124 of 2021 registered for the offence under Sections 25 (1-AA), (1-B)A, 26 (i)(ii) and 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.04.2021.

The allegation against the petitioner is to have in possession of country made fire arms with allegation to involve in manufacturing process of fire arms.

Learned senior counsel appearing on behalf of the



petitioner submitted that the alleged recovery of fire arms is from the house of the father of the petitioner and the petitioner has been falsely implicated in this case for the reason that he is the son of the main accused (father of the petitioner) from whose house recovery has been made. It has further been submitted that admittedly, the recovery has not been made from the house of the petitioner. It has also been submitted that petitioner is living separately from his father. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the alleged recovery has not been made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the house of the petitioner, admittedly, the same has been made from the house of father of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 124 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Munger, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Md. Ishalam Uddin, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

**Cr. Misc. No. 65382 of 2021**

Heard learned senior counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.



The petitioners seek bail in connection with Muffasil P.S. Case No. 124 of 2021 registered for the offence under Sections 25 (1-AA), (1-B)A, 26 (i)(ii) and 35 of Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 19.04.2021.

The allegation against the petitioners is to have in possession of country made fire arms with allegation to involve in manufacturing process of fire arms.

Learned senior counsel appearing on behalf of the petitioners submitted that the alleged recovery of fire arms is from the house of the father of the petitioners and the petitioners have been falsely implicated in this case for the reason that they are the son of the main accused (father of the petitioners) from whose house recovery has been made. It has further been submitted that admittedly, the recovery has not been made from the house of the petitioners. It has also been submitted that petitioners are living separately from their father. While concluding the argument, it has further been submitted that petitioners are persons having clean antecedent and moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while



opposing the prayer of bail fairly conceded that the alleged recovery has not been made from the house of the petitioners.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the house of the petitioners, admittedly, the same has been made from the house of father of the petitioners coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Muffasil P.S. Case No. 124 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Munger, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be



Md. Ishalam Uddin, who is the uncle of petitioner no.1 and deponent of the present bail petition.”

**Cr. Misc. No. 67379 of 2021**

Heard learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Muffasil P.S. Case No. 124 of 2021 registered for the offence under Sections 25 (1-AA), (1-B)A, 26 (i)(ii) and 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 19.04.2021.

The allegation against the petitioner is to have in possession of country made fire arms with allegation to involve in manufacturing process of fire arms.

Learned senior counsel appearing on behalf of the petitioner submitted that the recovery has not been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in two cases of similar nature in which he is on bail. While concluding the argument, it



has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail submitted that the alleged recovery of fire arms is from the house of the petitioner, having specific allegation to be involved in manufacturing of fire arms. It has further been submitted that petitioner is involved in similar nature of two cases. Learned APP further submitted that partially manufactured fire arms recovered from the possession of the petitioner, as per seizure list, support the allegation against the petitioner to be involved in manufacturing process.

Considering the facts and circumstances, as mentioned above, as the allegation against the petitioner is specific, as regard to involvement in illegal manufacturing activities of fire arms, having criminal antecedent of similar nature, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, the prayer for bail of the petitioner is rejected herewith, with the liberty to the petitioner to renew his prayer for bail after nine months, if the trial is not concluded in the specified period of time.



In the meantime, Trial Court is directed to expedite the trial in accordance with law.

Superintendent of Police, Munger is directed to ensure the presence of chargesheeted witnesses as and when required before the Trial Court for expeditious disposal of the trial.

**(Chandra Shekhar Jha, J)**

Ankit/-

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