

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5655 of 2023

Arising Out of PS. Case No.-95 Year-2022 Thana- SABAUR District- Bhagalpur

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1. MD. SARFARAJ S/O MD. MURSHID R/v- Mirzapur Bardah, P.S.-
Muffasil, District- Munger
 2. MD. KHUS Nayad S/O MD. MUSTAK R/v- Mirzapur Bardah, P.S.-
Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Adv. Mr. Raj Kumar Choudhary
For the Opposite Party/s	:	Mr. Surendra Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioners as well as
learned APP for the State.

In this case, the petitioners are seeking regular bail in connection with Sabour (Ghoradih) P.S. Case No. 95 of 2022, registered for the offences punishable under Sections 25(1)(1-AA) 25[(1-b)c] 26, 28, 35 of the Arms Act.

As per allegation, a raid was conducted and a number of articles for manufacturing arms and ammunition, were recovered from the place of occurrence.

The learned counsel for the petitioners has submitted that petitioners are innocent and they have not been arrested at the spot. Nothing was recovered from their possession and co-accused Md. Mahfooj @ Karu, who was arrested at the spot has been granted bail. He has also submitted that case of the petitioner is on similar



footing to the case of Md. Mahfooj @ Karu, who has been granted bail by the coordinate Bench of this Court in Cr. Misc No. 44042 of 2022. The petitioner is under custody since 15.03.2022.

Considering the above-mentioned facts and circumstances as well as period of detention and also considering the fact that other accused persons on similar footing have been granted bail, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur in connection with Sabour (Ghoradih) P.S. Case No. 95 of 2022, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Sudha/Mahesh

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