

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27351 of 2023

Arising Out of PS. Case No.-112 Year-2022 Thana- KRITYANAND NAGAR District- Purnia

Jamsher @ Md. Jamser Alam @ Md. Jamsher Alam S/O Md. Samir R/O
Village- Banbhag, P.S- K. Nagar, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-a),
25(1-aa), 25(1-B)a and 26 of the Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that Md. Wasi was arrested and from his shop, arms
were recovered and he disclosed that his son-in-law, Guddu
Miya, is also involved in manufacture of illegal weapons and
the weapons are made at the instance of the petitioner who
provides money.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case, it is



next submitted that petitioner was not arrested from the spot and he came to be implicated based on the confessional statement of Md. Wasi in police custody which does not have any evidentiary value when admittedly the petitioner is a person with clean antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that offence is serious relating to Arms Act and allegation against the petitioner is of providing money for manufacturing arms as such the privilege of anticipatory bail be not granted to the petitioner.

6. Learned counsel for the petitioner rebuts the submission of the learned APP for the State and submits that the petitioner has been implicated based on confessional statement, it is further submitted that he will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with K. Nagar P.S. Case No. 112 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, Md. Samir.

8. However, it is made clear that in the event, if the Investigating Officer files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear that if charge-sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall not be acted upon.

10. Let a copy of this order be communicated to the concerned PS through the learned trial court.

(Satyavrat Verma, J)

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