

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32713 of 2023

Arising Out of PS. Case No.-199 Year-2022 Thana- BARIYARPUR District- Munger

MD. ILIYAS @ MD. ILYAS UDDIN @ MD. ILYAS S/O LATE MD. SIRAJ
UDDIN R/O Bakarpur, P.S- Mufassil, Distt.- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bariarpur P.S. Case No.199 of 2022 under Sections 25(1-A), 25(1-AA), 25(1-B)A,26(i)(ii)(iii) and 35 of the Arms Act lodged on 30.11.2022 by the informant Amrendra Kumar.

As per the prosecution story, the police upon secret information raided the place and found number of pistols, magazine, iron barrels, butt plates, live cartridges, drill machine as also other materials needed to manufacture arms. Accordingly, the FIR.

It is the case of the petitioner that only because of his criminal antecedent, he has been implicated in the case. The recovery/seizure is from an abandoned place, he do not have any role to play in it and further without any sanction order of the designated authority, the charge sheet has been submitted



and as such no cognizance has been taken.

A coordinate bench of this Court had call for a report on 11.07.2023 which has been received.

As per the learned Judicial Magistrate, Ist Class, Munger vide letter no.12 dated 19.07.2023, charge sheet was submitted by the Investigating Officer on 03.02.2023 but sanction order has not been received and as such cognizance has not been taken in the matter.

Learned APP opposes the prayer for bail.

Taking into account the aforesaid facts as also that he is in custody since 01.12.2022 (para-12 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bariarpur P.S. Case no.199 of 2022 to the satisfaction of learned Judicial Magistrate, Ist class, Munger , subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

U		T	
---	--	---	--

