

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41508 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- BAKHTIARPUR District- Saharsa

Md. Shamas Tabrej, aged about 27 years, Male, son of Late Md. Maienuddin Khan, resident of Village- Bardaha, PS- Muffasil Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Mushtaque Alam, Advocate
	Md. Harun Quareshi, Advocate
For the Opposite Party/s :	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. It appears that there is difference in the name of Police Station. In the formal FIR, name of PS has been mentioned as 'Simri Bakhtiyarpur' whereas in the written report as well as at other places including the impugned order, it has been mentioned as "Bakhtiyarpur".

3. In the 1st paragraph as well as in prayer portion of the petition, name of PS has been mentioned as "Simri Bakhtiyarpur" but at the time of generating token number of this case, name of the PS has been mentioned as 'Bakhtiyapur' by the office.

4. A report has been sought for from the Criminal Stamp Report Section with regard to such discrepancy. The



Office has reported that in the district of Saharsa, PS, namely, Bakhtiyarpur has been created by the NIC in drop down box. Hence, PS name Bakhtiyarpur has been entered. The report of the office is kept on record.

5. Accordingly, name of the PS in the order be mentioned as “Bakhtiyarpur (Simri Bakhtiyarpur)”.

6. The petitioner seeks bail in connection with Bakhtiyarpur (Simri Bakhtiyarpur) PS Case No. 83 of 2023 dated 24.02.2023, instituted for the offence punishable under Sections 25(1-AA), 25 (1-B)(a), 26 and 35 of the Arms Act.

7. The prosecution case, in short, is that the when police surrounded the house of Md. Mahboob Alam, one person wearing white shirt and blue *lungi* started fleeing away from the house and he was caught by the police personnel and identified as Md. Mahbood Alam. Thereafter, the police raided the house of Md. Mahboob Alam and found three persons including the petitioner running away from a room. They were also caught by the police. Upon search, large number of constructed and semi-constructed firearms as well as instruments for manufacturing firearms were recovered.

8. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Only allegation against the petitioner is that during search, three persons tried to run away from a room, who were caught by the police personnel. On query, they told their names as Md. Shams Tabrez, Md. Manauwar, and Md. Shaquib. Thereafter, search was made. Nothing has been recovered from the conscious possession of the petitioner. It is further submitted alleged recovery of arms and ammunition have been made from the house of co-accused Md. Mahboob Alam. The petitioner has no concern with the alleged recovered firearms etc. Lastly, it is submitted that the petitioner is in custody since 25.02.2023 having clean antecedents and charge-sheet has been submitted in the case.

9. Learned APP has opposed the prayer for bail.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the CJM, Saharsa, in Bakhtiyarpur (Simri Bakhtiyarpur) PS Case No.83 of 2023.

(Khatim Reza, J)

J. Alam/-

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