

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44042 of 2022

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

Md. Mahfooj @ Karu, Son Of Fakkruddin, R/O Village- Mirzapur, Bardah,
P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Chaudhary, Sr. Adv. Mr. Raj Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Sabour (Goradih) P.S. Case No. 95 of 2022 registered for the alleged offences under Sections 25(1)(1-AA)/25(1-b,e), 26, 28 and 35 of the Arms Act.

As per prosecution case, police received secret information about co-accused manufacturing illegal arms on his land with the help of some persons. A raid was conducted at the identified place. The co-accused Md. Ezamuddin fled away from the spot and petitioner and two other co-accused persons named in the FIR were apprehended and from their possessions a number of semi manufactured firearms along with different



parts and manufacturing implements were recovered.

The learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has taken the orchard of mango on lease and where some machines were kept which was used for manufacturing iron windows, gate and other household articles. At the time of occurrence the petitioner was in his shop from where he was arrested but the seized articles were shown to be recovered from an open orchard. The petitioner is in custody since 15.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal history and accused in one more case of similar nature. He was apprehended from the spot with a large number of incriminating articles.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-



(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 95 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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