

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49303 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- HASANPUR District- Samastipur

Md. Samsheruddin Son Of Md. Nehal Uddin Resident Of Village - Haripur,
Police Station - Alauli, District - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 21.02.2023 in connection with Hasanpur P.S. Case No. 39 of 2023, F.I.R. dated 20.02.2023 for the offences punishable under Sections 25(1-B)(a), 25(1-AA), 25(1-A), 26(1), 26(2), 35 of the Arms Act.

3. According to prosecution case, in short, is that, police got information that one Rajesh Kumar who was the owner of the welding shop and he was involved in illegal trading of arms. On that basis , police raided that place and recovered illegal arms and some machines which is used in making arms. Thereafter, police arrested the owner of the shop and the petitioner also arrested by the police on the basis of suspicion.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the grill shop of the Rajesh Kumar and petitioner was working as a labour in the grill shop of Rajesh Kumar and he has no concern at all with the alleged recovery of the arms and ammunition. He further submits that similarly situated, co-accused, namely, Md. Mumtaz Alam @ Munna and Md. Salim @ Vikky have been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2023 passed in Cr. Misc. No. 46382 of 2023 and Cr. Misc. No.48098 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Rosera in connection with Hasanpur P.S. Case No. 39 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

