

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51882 of 2023**

Arising Out of PS. Case No.-53 Year-2023 Thana- CHAUTHAM District- Khagaria

Md. Ezaz Son of Md. Ziyauddin @ Md. Ziaul Resident of village - Neelam  
Cinema, Pani Tanki Road, ward no. 10, P.s. - Kotwali, Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, 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. Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since  
21.02.2023 in connection with Chautham P.S. Case No. 53 of  
2023, F.I.R. dated 20.02.2023 for the offences punishable under  
Sections 25(1)A, 26(2) and 35 of the Arms Act.

4. According to the prosecution case, the informant  
received a secret information that a mini gun factory was being  
run in the house of one Mukesh Singh.

5. 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 from perusal of the F.I.R as well as seizure list that no incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the house of the co-accused person. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.02.2023.

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

7. 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 Judicial Magistrate 1<sup>st</sup> Class, Khagaria in connection with Chautham P.S. Case No. 53 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

