

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61002 of 2022

Arising Out of PS. Case No.-46 Year-2022 Thana- MUNGER MUFFASIL District- Munger

MD. TANVEER @ MD. MIRCHU S/O LATE ABDUL JABBAR
RESIDENT OF VILLAGE- MIRJAPUR BARDAH, P.S.- MUFFASIL,
DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deep Nishi, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 46 of 2022 instituted under
Sections 25(1-b), 9(25-a), 26 and 35 of the Arms Act.

As per the prosecution story, the police upon secret
information that arms are going to be supplied, reached the
place of information and when on the sight of police, the
accused persons tried to escape, one of them was apprehended.
He was Md. Chhotu Alam and from him four country made
pistols and magazines were recovered. He further gave the name
of amongst other the petitioner herein as the person who
escaped. Accordingly, the FIR was lodged.



The case of the defence is :

(i) his name has surfaced in this case on the basis of confessional statement of co-accused Md. Mahfooz @ Naato;

(ii) that nothing has been recovered from the possession of the petitioner.

Learned APP on the other hand opposes the prayer for bail.

Taking into account the fact that alleged recovery is from Md. Chhotu Alam and the petitioner's name has come in the confessional statement, ultimately he will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail with strict conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Muffasil P.S. Case No. 46 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Munger, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the further conditions :

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(v) 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;

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

(Rajiv Roy, J)

Ajay Singh/-

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