

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59957 of 2023

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

MD. MAHBOOB ALAM S/o- AJIM ALAM R/o- Bhatta Tola W.NO-13, Ps-
Simri Bakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-AA), 25(1-B)(a), 26 and 35 of the Arms Act.

As per prosecution case, when the police surrounded the house of petitioner, 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 petitioner. Thereafter, the police raided the house of petitioner and found three persons running away from a room. They were also caught by the police and upon search, large number of constructed and semi-



constructed firearms as well as instruments of manufacturing firearms were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. The petitioner has no concern with alleged arms which were seized by the police. Nothing incriminating article has been recovered from the conscious possession of the petitioner. Only mobile phone was recovered from the petitioner which belongs to him. Similarly situated co-accused namely, Md. Shamas Tabrej has already been enlarged on bail by another coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 41508 of 2023, which is annexed as Annexure-2 of this petition. The petitioner is languishing in judicial custody since 25.02.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bakhtiyarpur P.S. Case No.



83 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa.

(Sunil Kumar Panwar, J)

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