

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71255 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- LAHERIMUHALLA District- Nalanda

Md. Shahid, Son of Late Sarfuddin, Resident of Village- Balki Katra, Ps-
Laheri, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 As prayed, learned counsel for the petitioner is permitted to make necessary correction in paragraph 8 of the bail petition in course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. In the present case, the petitioner seeks bail in connection with Laheri P.S. Case No. 297 of 2023, registered for the alleged offences under Section 25 (1-b) a, 26, 35 of the Arms Act.

4. As per prosecution case, police received information about the petitioner manufacturing and assembling the illegal weapons in the premises which he had taken on rent. A raid was conducted and three persons tried to escape from that place and one of them was apprehended. From the search of the



premises, different parts of revolver in large quantity were recovered. The apprehended co-accused disclosed the names of the petitioner and co-accused Md. Sarwar, who made good their escape.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been apprehended merely on suspicion as his name came up in this case on the basis of disclosure statement of co-accused Md. Sharfaraz. The petitioner is the father of Md. Sarfaraz and there is some dispute between them. The learned counsel further submits that nothing incriminating has been recovered from the person/possession of the petitioner and whatever recovery has been made, it was from the premises from where the co-accused has been arrested. The petitioner is in custody since 16.05.2023 and the charge sheet has been submitted. The petitioner has got one criminal antecedent.

6. Learned A.P.P. vehemently opposes the submissions made on behalf of the petitioner.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of



the petitioner and further considering his period of custody and submission of charge sheet, the petitioner 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 Chief Judicial Magistrate, Nalanda at Biharsharif, in connection with Laheri P.S. Case No. 297 of 2023, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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