

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4753 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- MANSI District- Khagaria

Md. Shami Ahmad S/O Late Abiduddin @ Avid Uddin Village- Fango, Ps.-
Mansi, Dist. Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

3. The petitioner seeks bail in connection with Mansi
P.S. Case No. 223 of 2023 (G.R. No. 2553 of 2023) instituted
for the offences under Sections 25(1-B)a, 25(1)a, 26(1)(2)/35 of
the Arms Act.

4. As per prosecution case, the police, on receipt of
secret information, raided at the house of Md. Shami Ahmad
(petitioner). On seeing the police party, one person started
fleeing away from the *Bathan* of the house but, was
apprehended and disclosed his name as Md. Tanveer whereas
Md. Shami managed to flee away from there. On search, a
mobile was recovered from his possession and from the room of



the petitioner, 17 country-made pistols, 18 magazines, 02 live cartridges along with other articles used in manufacturing of pistol were recovered. Md. Tanveer confessed that he was engaged in illegal manufacturing of fire-arm for Md. Shami Ahmad (petitioner).

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. The petitioner has no concern with the *Bathan* from where the alleged recovery took place. The petitioner was not caught at the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. There is absolute violation of Section 100 of the Cr.P.C. The petitioner has no concern with the alleged recovery and has been implicated in this case on the basis of confessional statement of co-accused Md. Tanveer before the police. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 14.09.2023 and the charge-sheet has been submitted in this case.

6. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the



petitioner, stating that the recovery has been made from the *Bathan* of the petitioner and, thus, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner coupled with the fact that the petitioner has no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mansi P.S. Case No. 223 of 2023 (G.R. No. 2553 of 2023).

(Rudra Prakash Mishra, J)

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