

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31871 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- JAMALPUR District- Munger

Md. Kashim, Male, Aged about 32 years, Son of Md. Hasnain, Resident of
Village- Pakkigali Khankah, P.S.- Kasim Bazar, Munger, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 25-04-2024 At the outset, it is submitted by learned counsel for the
petitioner that application against this petitioner was earlier
withdrawn vide order dated 20.02.2024 by this Bench.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner seeks bail in connection with Jamalpur
P.S. Case No. 182 of 2023 instituted for the offences punishable
under Sections 25(1-AA), 25(1-B)a, 26(i)(ii) and 35 of the Arms
Act.

4. As per the prosecution case, four accused persons
arrested on the spot with illegal in-completed country made pistols
who disclosed the name of petitioner and other accused persons.

5. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his conscious possession. His name has been transpired only on the basis of confessional statement of apprehended co-accused Md. Sabbir. He is languishing in judicial custody since 22.09.2023.

6. Learned APP for the State has vehemently opposed the prayer for bail.

7. From perusal of the F.I.R. and seizure list, it appears that there is no recovery of arms and ammunition from the possession of petitioner. As per seizure list, only mobiles and cash of Rs. 94,500/- have been recovered from his house. The main co-accused form whose possession illegal half built arms have been recovered by police were granted bail by learned trial court in S.T. No. 399 of 2023, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Additional Sessions Judge-III, Munger in connection with Jamalpur P.S. Case No. 182 of 2023.

(Ramesh Chand Malviya, J)

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