

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41078 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- LAKHNAUR District- Madhubani

1. Md. Basir Ansari @ Basir Ansari Son Of Late Jamil Ansari R/O Vill.- Maibi Rahitol, P.S.- Lakhnaur, Dist.- Madhubani
2. Nashim Akhtar Son Of Md. Bashir Ansari R/O Vill.- Maibi Rahitol, P.S.- Lakhnaur, Dist.- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of the petitioners and Mr. Navin Kumar Pandey, learned A.P.P. for the State.

2. Petitioners seek bail in connection with Lakhnaur P.S. Case No. 49 of 2024, G.R. No. 408/2024, registered for the offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The petitioners are named in the First Information Report and are in custody since 23.03.2024.

4. Allegation against the petitioners to have in possession of illegal country made pistol with magazine.

5. It is submitted by learned counsel appearing on



behalf of the petitioners that it appears highly improbable to keep country made pistol in waist while sleeping in the house at midnight when the raid was conducted. It is submitted that just to show the possession of country made pistol, such absurd allegation was raised against the petitioners. It is submitted that seizure list witness are also not an independent witness rather by police personnel. Learned counsel pointed out that search of the house was not made by making compliance of Section 100(4) of the Code of Criminal Procedure. While concluding argument, learned counsel submits that petitioner no. 1 has got one criminal antecedent in which he is on bail, whereas petitioner no. 2 has got no criminal antecedent.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

7. Considering the aforesaid factual submission and by taking note of the nature of accusation where petitioners are in custody since 23.03.2024, accordingly, above-named petitioners are directed to be released on bail in connection with Lakhnaur P.S. Case No. 49 of 2024 on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Jhanjharpur, District - Madhubani, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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