

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51542 of 2024

Arising Out of PS. Case No.-1290 Year-2023 Thana- KHAGARIA District- Khagaria

1. Md. Firoz S/o Md. Niyajul Resident of Village-Mirzapur, Bardah, p.S.-Muffasil, Munger District-Munger
2. Md. Parvez S/o Md. Niyajul Resident of Village-Mirzapur, Bardah, p.S.-Muffasil, Munger District-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-08-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Khagaria P.S. Case No. 1290 of 2023 dated 21.12.2023 registered for the offences punishable u/s 25(1-B) (a), 26(1), 26(2) and 35 of the Arms Act

3. As per the prosecution case, on 20.12.2023 at about 3:05 P.M. the informant received secret information that the accused Mannu Yadav is running a mini gun factory near the bank of Ganga river. For verification of the said informant the informant reached the alleged place of occurrence and saw two persons were making arms. On seeing the police the accused



persons tried to escape but they were apprehended with the help of police. On being asked, they disclosed their name as Md. Firoz (Petitioner No. 1) and Md. Parvez (Petitioner No. 2). Thereafter, a search was conducted and one keypad mobile, one piece of country made pistol, six pieces of butt of county made pistol, five pieces of barrel of country made pistol (semi manufactured), eight pieces of live cartridges were recovered. On interrogation about the recovered articles they disclosed that they were making those articles on the direction of Mannu Yadav and they used to get of Rs. 1500/- for making arms and ammunition.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The recovery has been made from an open place which is accessible to anyone. The petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have one antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 21.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case and the allegation levelled against the petitioners as well as the period of custody, the petitioners above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria, in connection with Khagaria P.S. Case No. 1290 of 2023, with a condition/s:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioners are liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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