

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49609 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- RAJAON District- Banka

Md. Ajiz @ Abdul Aziz @ Md Ajit Son Of Late Md Hakim @ Abdul Hakim
R/O- Village- Harna Bujurg, P.S- Rajoun, (Nawada O.P.) District -Banka
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jha
For the Opposite Party/s : Ms.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Ajay Kumar Jha, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Rajoun
(Nawada O.P.) P.S. Case No. 179 of 2024, registered for the
offences punishable under Sections 25(1-B)(a)/26 of the Arms
Act.

3. The allegation against the petitioner is of indulged
in sale and purchase of illegal arms. The police conducted raid
and apprehended the petitioner and on search two country made
pistols with two live cartridges were recovered from the
possession of the petitioner.

4. There is total denial of recovery from the
possession of the petitioner.

5. Learned Advocate for the petitioner contended that
in fact on account of past criminal antecedent of identical



nature, the name of the petitioner has been implicated in this case showing recovery from his possession. Drawing the attention of this Court to the seizure list, it is further contended that surprisingly the seizure list does not denote as to from whose possession the recovery of arms have been made. The alleged search and seizure has been made in a public place; the witnesses are none-else but the police personnel which smacks *mala fide* on the part of the police. Be that as it may, the petitioner has been incarcerated since 04.04.2024 and now almost he has completed six months.

6. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that the recovery of two arms and ammunition from the possession of the petitioner clearly suggests his involvement in identical nature of crime.

7. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the period of custody and the fact that the crime in question is triable by the Magistrate, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial



Magistrate 1st Class, Banka in connection with Rajoun (Nawada O.P.) P.S. Case No. 179 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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