

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52956 of 2024

Arising Out of PS. Case No.-89 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Md. Perwez @ Premi Son Of Md. Jamal @MD .JAMAL Uddin Village-
Mirzapur, Bardah, P.S.- Mufassil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y C Verma, Sr. Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard Mr. Y C Verma, learned senior Advocate for the
petitioner and the learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Mufassil P.S. Case No. 89 of 2023, registered
for the offence punishable under Sections 25(1-A), 25(1-AA),
25(1-b) a, 26(i)(ii) and 35 of the Arms Act.

3. The allegation against the petitioner is of
participating in manufacturing of illegal arms. The police on a
confidential information that a large number of persons are
engaged in manufacturing of arms, raided the place of
occurrence. However, noticing the police party 15-20 named
persons and 10-12 unknown persons succeeded in fleeing away.
Some of them were apprehended. On search, various
manufacturing articles along with one semi manufactured
pistols, barrels and two live cartridges were recovered.



4. Learned Senior Advocate advertizing to the FIR firstly contended that the narrations made therein clearly suggest that it is the *Chaukidar*, who disclosed the identity of more than 60 persons, including the petitioner which *prima facie* appears to be unreliable. It is next contended that only because of his past criminal antecedent of identical nature, the name of the petitioner has been implicated in this case without their being any cogent material showing his complicity. It is next contended that the recovery has been made from an open place and the petitioner has neither any concern with the place of occurrence nor with the articles which were recovered therefrom. Now the petitioner has been incarcerated since 14.08.2023 and after completion of the investigation, charge-sheet has been submitted. The petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that an arms factory has been unearthed and the presence of the petitioner shows his complicity in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that it is the *Chaukidar*, who disclosed about the identity of so many



persons, including the petitioner, coupled with the period of custody and the factum of completion of investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional ACJM-II, Munger in connection with Mufassil P.S. Case No. 89 of 2023, subject to the condition that one of the bailors will be the close relatives 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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