

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53359 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- Kharagpur District- Munger

1. Md. Kailu @ Md. Rahman Son of Late Md. Saljam R/O Vill.- Mirzapur Bardah, P.s.- Mufassil, Dist.- Munger.
2. Md. Wasim @ Md. Waseem @ Md. Vaseem Son of Md. Mustakim R/O Vill.- Mirzapur Bardah, P.s.- Mufassil, Dist.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deep Anshuman, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-12-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Kharagpur P.S. Case No. 39 of 2024 for the offence under Sections 25(1-a), 25(1-aa), 26(i)(ii) and 35 of the Arms Act, lodged on 05.02.2024 by the informant, Nitish Kumar.

3. As per the prosecution story, the informant alleged that on secret information about manufacturing of illegal fire arms, the place was raided and two persons were arrested. A cache of arms were recovered and the accused named the persons who escaped including these two petitioners. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that,



they do not have criminal antecedent, nothing has been recovered from their conscious possession and/or their respective house, their names have been cropped up in the statement of the accused persons, is a labour having no role to play in the matter.

5. Learned APP for the State opposes the prayer submitting that the accused apprehended named him.

6. Though, his name has come in the statement of the accused, the fact remains that the recovery is not from their respective house nor from their conscious possession, they do not have criminal antecedent as stated in paragraph no.3 and have undertaken to diligently appearing in trial, this Court is inclined to extend them the privilege of anticipatory bail. However, if it is found that contrary to the statement made in the paragraph no.3 of the petition, he do have criminal antecedent, the order shall become infructuous.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Munger in connection with Kharagpur P.S. Case No. 39 of 2024,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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