

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57241 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Banma Itahari District- Saharsa

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Ali Raza Son of Mahboob Alam RESIDENT OF VILLAGE - LAXMINIYA,
P.S. - BANMA ITHARI, DISTRICT - SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 25-09-2024 Heard Mr. Krishna Prasad Singh, learned Senior
counsel as also the State.

2. The petitioner is in custody in connection with Banma Ithari P.S. Case No. 12 of 2024 for the offence punishable under sections 25(1-A), 25(1-AA), 25(1-B)a, 26(I) (II) 34 of the Arms Act lodged on 11.04.2024 by the informant, Anil Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information, the house of the petitioner's father Mahboob Alam was raided and it was found that he/family members are running the business of manufacturing of illegal arms. Huge quantity of arms and ammunition were recovered beside semi-manufactured parts of country made gun/country made revolvers as no valid papers were shown and the accused



arrested, petitioner being one of them.

4. Learned Senior counsel for the petitioner submits that he has no role to play in the alleged act of his father, he is a student of B.A. LLB, Aligarh Muslim University, Murshidabad Center, Kolkata and was visiting his place to attend the Eid ceremony, was in the house when arrested.

5. Learned APP opposes the prayer for bail submits that in the same house, the factory was being run and it cannot be the case of the petitioner that he had no knowledge.

6. Though the submission of learned APP is correct, the fact remains that the main allegation is against the father of the petitioner namely, Mahboob Alam of running the factory, the petitioner is a student of Aligarh Muslim University at a Center of Kolkata and the document has been attached with this petition to show the bona fide, he has no criminal antecedent and he has remained in custody since 11.04.2024 (para 13 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Saharsa, in connection with Banma Ithari P.S. Case No. 12 of



2024 subject to the following conditions:

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

(ii) the petitioner 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

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

(Rajiv Roy, J)

Vijay Singh/-

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