

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67341 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- GAURICHAK District- Patna

Md. Karu @ Md. Maphooj @ Md. Mahafuj Son of Late Md. Fakruddin @
Fakko Resident of Village- Mirjapur, Bardaha, P.S.- Muffasil, Distt- Munger
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Gaurichak P.S. Case No. 311 of 2023 dated 26.05.2023 instituted
for the offence punishable under Sections 120B the Indian Penal
Code and Section 25(1-b)a/26/35 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, the informant who is officer-in-
charge of Gaurichak P.S. got a tip off regarding manufacturing of
illegal arms in the newly constructed house of Binod Singh.
Thereafter, the police party reached the place of occurrence and on
identification, raided the house and seized half manufactured
country made pistol and huge quantity of tools, articles for
manufacturing of illegal arms from the underground room of the



said house and two persons were apprehended, who stated that the petitioner and other accused persons are also involved in this work.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that only on the basis of confessional statement of co-accused, namely, Md. Ehsan, the petitioner has been made accused in this case. Nothing has been recovered either from the conscious possession of the petitioner or from his house. Learned counsel for the petitioner further submits that similarly situated three accused persons have been granted bail by this court vide Annexure-3 series. Lastly, it has been submitted that petitioner has one criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Gaurichak P.S. Case No. 311 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Patna City, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-



I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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