

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75268 of 2024

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

Md. Perwej @ Pajiya @ Perwej Chand, S/o- Late Md. Sahangir, R/o- Muhalla
Mirzapur, Bardah, P.S- Musffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2024 Heard Mr. Sanjiv Kumar Singh, learned Advocate for
the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Muffasil 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 indulged in manufacturing of arms. The police on a tip off manufacturing of arms, conducted raid. However, noticing the police party, the persons, who were busy in manufacturing arms, succeeded in fleeing away. It is further alleged that the local *Chaukidar* disclosed the name of 33 persons, including the petitioner, as one of the person involved in the crime.

4. Learned Advocate for the petitioner submits that in



fact the name of the petitioner has been implicated in this case only on account of his criminal antecedent, as has been disclosed in para. 3 of the petition and save and except the criminal antecedent, there is nothing to suggest the complicity of the petitioner. It is well settled that mere criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period without their being any other incriminating circumstances. The case of the petitioner is also based on parity, as one of the co-accused, having identical allegation, has been allowed the privilege of bail by this Court in Cr. Misc. No. 52956 of 2024 vide order dated 07.08.2024, the copy of which is marked as Annexure-2 to this petition. It is lastly contended that now the petitioner has been incarcerated since 26.04.2024. The investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears eight criminal antecedent over his head and, as such, his complicity in such crime cannot be denied. The manufacturing factory of illegal arms and ammunitions unearthed by the police. The local *Chaukidar* identified the petitioner, as one of the person, who succeeded in fleeing away.



6. Regard being had to the submissions made on behalf of the parties and considering the doubtful identification by the local *Chaukidar*, coupled with the fact that the case of the petitioner is based on parity and now the investigation is complete and charge-sheet has been submitted, 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 Chief Judicial Magistrate-II, Munger in connection with Muffasil 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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