

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84220 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- KOTWALI District- Munger

Md. Arman @ Md. Arman Khan S/o Late Md. Nasim R/o Mohalla - Ghasiyar
Mohalla,, P.S.- Kotwali, District -Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Kotwali P.S. Case No. 178 of 2024 for the offence punishable under sections 25(1-B)(a), 26, 35 & added 25(i)(ii)(iii) Arms Act of the Indian Penal Code lodged on 03.06.2024 by the informant, Shubham Kumar.

3. As per the prosecution story, the informant alleged that during the patrolling and on secret information about sale/purchase of arms, the police apprehended and recovered/seized country made pistol from Md. Asad and magazine from this petitioner, which led to the FIR, arrest.

4. It is the case of the petitioner that police alleges empty magazine from him, though even the same is disputed as only to implicate and repeatedly keep him under judicial custody,



one after another FIR is /are being lodged, as a result whereof, he is continuously in jail. It is his further submission that he is in custody since 03.06.2024 (para 12 of the petition) and if granted bail, he intends to clean the local Police Station, Kotwali, Munger for one month by doing service for two hours between 11.00 to 01.00 PM everyday for 30 days whereafter, he shall expect a certificate from the local Station Head Officer, Kotwali, Munger. Further, he also intends to put a sapling in the Kotwali premises so that he can nurture it and see it blossoming.

5. Learned APP opposes the prayer for bail submitting that he has multiple criminal antecedents.

6. Considering the submissions put forward by the parties, though it is clear that the petitioner has multiple criminal antecedents and as such, at the first instance, this Court was not inclined to grant him bail but on the submissions put forward by learned counsel for the petitioner that he is in custody for more than six months and further wants to reform himself by getting involved in social service, as incorporated above with further undertaking that if he is implicated in any other cases of criminal act, the prosecution shall be free to take recourse to cancellation of the present bail bond, this Court is inclined to extend him the privilege of bail with conditions that he needs to clean the local Police Station, Kotwali, Munger for one month by doing service



for two hours between 11.00 to 01.00 PM everyday for 30 days whereafter, the SHO, Kotwali, Munger shall be submitting a certificate to this aspect to the Court in a sealed cover. The petitioner shall also plant a sapling in the Police Station and the photograph be part of the report.

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., Munger in connection with Kotwali P.S. Case No. 178 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 one year 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.

8. It is made clear that the failure of the petitioner to go to the Kotwali Police Station, Munger for the service as he has undertaken, immediate steps shall be taken for the cancellation of his bail bond.

9. List this case under the heading ‘To Be Mentioned’ on 22.01.2025 at 02.15 PM to peruse the report submitted by the Station Head Officer, Kotwali, Munger.

10. Mr. Jitendra Kumar Singh, learned APP shall be submitting the report on behalf of the SHO Kotwali, Munger.

11. Let the name of Mr. Jitendra Kumar Singh appear on the cause list.

(Rajiv Roy, J)

Vijay Singh/-

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