

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78774 of 2024

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

Md. Sadrul, S/o Late Md. Sultan, R/o -Village/Muhalla- Mirzapur Bardah, P.S
- Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80013 of 2024

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

1. Md. Babar, Son of Late Md. Islam, Resident of Village / Muhalla - Mirzapur Bardah, P.S - Muffasil, District - Munger
2. Md. Pappu @ Md. Rizwan @ Rizwan, Son of Late Md. Manzoor, Resident of Village / Muhalla - Mirzapur Bardah, P.S - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78774 of 2024)

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 80013 of 2024)

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 Since both the matters arise out of the same P.S. case,

with consent of the parties, they are taken up together and

disposed off by a common order.

2. Heard learned Advocate for the petitioners and

learned APP for the State.



3. The petitioners seek regular bail, who are 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.

4. The allegation against the petitioners 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 Chowkidar disclosed the name of 33 persons, including the petitioners, as the persons involved in the crime.

5. Learned Advocate for the petitioners contended that, in fact, the name of the petitioners have been implicated in this case only on account of their criminal antecedent, as has been disclosed in para. 3 of the bail applications. It is further contended that the very identification of the petitioners by the local Chowkidar, is highly suspicious. Moreover, the alleged recovery has been made from an open place, which is easily accessible to all. Other co-accused persons, having identical allegation, have been allowed the privilege of bail by this Court in Cr. Misc. No. 52956 of 2024 vide order dated 07.08.2024 and further Cr. Misc. No. 75268 of 2024 vide order dated



29.11.2024. The case of the petitioners are also based on parity. Now, the petitioners have been incarcerated for a period of more than four months.

6. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that apart from criminal antecedent of the petitioners, the manufacturing unit of illegal arms and ammunition unearthed by the police, speak loud about the involvement of the petitioners, who have been identified by the local Chowkidar in course of fleeing from the place of occurrence.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the other co-accused persons have been allowed the privilege of regular bail, coupled with the doubtful identification by the local Chowkidar and there is no recovery of any incriminating material from the conscious and constructive possession of the petitioners and the case of the petitioners is based on parity, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) each 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 petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. 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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