

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81302 of 2024

Arising Out of PS. Case No.-609 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

Md. Raja Ali Umar Son of Md. Rustam Village and P.O.- Pohaddi Bela, P.S.-
Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Laheriasarai P.S. Case No. 609 of 2023, registered for the offences punishable under Sections 406, 409, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

3. Based upon the prosecution report, it is alleged that during the period between December, 2021 to January, 2022, in which eleven arms license order is issued, with respect to four arms license holders, namely, *Parvez Ali*, *Mohammed Shamim Reyaz*, *Dr. Shahaji* and *Md. Murtaza* files were found missing. A Committee constituted by the order of the District Collector has found that the petitioner along with the informant are the person, who are responsible for misplacing the files.



4. Learned Advocate for the petitioner contended that the alleged missing files as have been mentioned in the FIR in the period, in question, within the tenure of the informant, while he was acting as a District Arms Magistrate, Darbhanga, and the petitioner was working as Assistant in the said office but at that point of time, neither any *sanha* nor any FIR has been instituted with regard to the missing files. When the name of the erstwhile District Arms Magistrate (informant) has been found in the dereliction of duty by the four men committee, thereafter, the present FIR has been instituted on 28.12.2023, to save himself by shifting blame to the petitioner. It is further contended that the licenses, in question, are being issued to the applicant on the signature of the District Arms Magistrate, Darbhanga, pursuant to the direction of the District Magistrate. Be that as it may, still the investigation is going on to trace the files and the petitioner, having fair antecedent, is ready to co-operate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the investigation is still going on to trace the file, in



question, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai P.S. Case No. 609 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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