

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85417 of 2024

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

Md. Azam @ Md. Wali Azam@ Azam S/o- Late Md. Sahangir@ Sahangir
R/V- Mirzapur Bardah PS-Mufassil Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-12-2024 Heard Mr. Anshul, learned Advocate for the petitioner
and Mr. M. K. Nirala, learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Mufassil 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 indulge in manufacturing of illegal arms. The police on a confidential information that a large number of persons are engaged in manufacturing of arms, raided the place of occurrence. However, noticing the police party various persons who were assemble there have succeeded in fleeing away. The petitioner was identified by the local Chowkidar. On search, various manufacturing articles along with one semi manufactured



pistols, barrels and two live cartridges were recovered.

4. Learned Advocate for the petitioner contended that very identification of the petitioner by the Chowkidar is quite doubtful. In fact the name of the petitioner has been implicated in this case on account of his past criminal antecedent, as has been disclosed in paragraph-3 of the bail application. It is well settled that mere criminal antecedent of a person cannot be the sole ground to keep him behind the bar, unless there is a cogent material, is the contention of the learned Advocate for the petitioner. Attention of this Court has also been drawn to the order by which co-accused persons have allowed the privilege of regular bail by this Court in Cr. Misc. No. 52956 of 2024 vide order dated 07.08.2024 and Cr. Misc. No 80013 of 2024 vide order dated 20.01.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears 8 criminal antecedents of identical nature, which clearly suggests the involvement of the petitioner in the present crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the case of the petitioner is based on parity, coupled with the doubtful



identification as also the fact that the investigation of the crime is complete and the chargesheet 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 Judicial Magistrate-III, Munger in connection with Mufassil 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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