

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85257 of 2024**

Arising Out of PS. Case No.-223 Year-2023 Thana- MANSI District- Khagaria

Md. Chand Ahmad @ Md. Chand S/o Md. Daro R/o Village- Mirzapur  
Bardah, P.S.- Mufassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vivekanand Singh, Adv.  
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      09-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Mansi  
P.S. Case No. 223 of 2023 instituted for the offences under  
Sections 25(1-B)a, 25(i)a, 26(1)(2), 35 of the Arms Act.

3. As per prosecution case, the police, on receipt of  
secret information, raided at the house of co-accused Md. Shami  
Ahmad. On seeing the police party, one person started fleeing  
away from the *Bathan* of the house but, was apprehended and  
disclosed his name as Md. Tanveer whereas Md. Shami  
managed to flee away from there. On search, a mobile was  
recovered from his possession and, from his room, 17 country-  
made pistols, 18 magazines, 02 live cartridges along with other



articles used in manufacturing of pistol were recovered. Co-accused Md. Tanveer confessed that he was engaged in illegal manufacturing of fire-arm for co-accused Md. Shami Ahmad.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the arms and ammunition have been recovered from the Bathan of the co-accused Md. Shami Ahmad. The petitioner was not apprehended on the spot and his name has surfaced in this case on the basis of the disclosures made by the co-accused Tanveer, who has already been granted bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 17368 of 2024. The co-accused Md. Saud has also been granted anticipatory bail by this vide order dated 29.02.2024 passed in Cr. Misc. No. 9911 of 2024. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one



criminal antecedent in which he is on bail and is languishing in judicial custody since 01.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, alleging that the offence alleged against the petitioner is serious in nature.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mansi P.S. Case No. 223 of 2023.

**(Rudra Prakash Mishra, J)**

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