

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24495 of 2025

Arising Out of PS. Case No.-773 Year-2024 Thana- AMARPUR District- Banka

Md. Imran S/o Md. Alauddin Resident of village- Dumrama, P.s- Amarpur,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 06-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, .

2. The petitioner apprehends his arrest in connection with Amarpur P.S. Case No. 773 of 2024, registered under Sections 25(1-B)a, 26, 35 of the Arms Act.

3. The case of the prosecution is in brief is that on 06.12.2024, one Vikcky Kumar, who is police officer of Amarpur Police station filed a written application before the S.H.O. Amarpur P.S. in which he has alleged that on 05.12.2024, he received secret information and conducted raid in the house of the petitioner. During course of raid, the petitioner managed to flee from the spot whereas the brother of the petitioner, namely, Md. Afroz, was caught by the police. On search, two country-made pistol and seven live cartridges were recovered



from the house of the petitioner. On interrogation, co-accused Md. Afroz, disclosed that he along with his brother Md. Imran (petitioner) used to sell and purchase of illegal arms and ammunition. Accordingly, seizure list as well as arrest memo was prepared.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner further submits that he has one criminal antecedent which has been brought on record by way of supplementary affidavit. He further submits that he has been implicated in this case merely on the basis of suspicion as well as confessional statement of co-accused, one Md. Afroz, who was arrested on the spot. The petitioner further submits that the raid was conducted in the house belonging to his brother, Md. Afroz and it was recovered from the Sandook inside the house of co-accused, Md. Afroz. Nothing was recovered from the conscious possession of the petitioner. The petitioner further submits that he is living separately with his family and he has nothing to do with Md. Afroz. There has been ongoing dispute relating to partition between the two brothers, and therefore, he has been falsely implicated in the present case.

5. Learned Additional Public Prosecutor has



vehemently opposed the prayer for anticipatory bail.

6. Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner as well as the fact that search and seizure memo prepared does not carry the names and signature of two independent witnesses, which puts serious question mark on the legality and validity of the search itself and also the fact that petitioner has only one criminal antecedent, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 773 of 2024, subject to the condition laid down under Section 482 of the Bhartiya Nyaya Sanhita.

(Alok Kumar Sinha, J)

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