

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27348 of 2025

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

Md. Afroz Son of 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, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 13-08-2025 Heard Md. Najmul Hodda, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Amarpur P.S. Case No. 773 of 2024 for the offence punishable
under sections 25(1-B)a, 26, 35 of the Arms Act lodged on
05.12.2024 by the informant, Vicky Kumar.

3. As per the prosecution story, the informant alleged
that on secret information, the house of the petitioner was raided
and there is recovery/seizure of 2 country made pistols/ 7 live
cartridges. The brother, Md. Imran managed to escape while the
petitioner was apprehended. This led to the FIR.

4. Learned counsel for the petitioner submits that a
perusal of the FIR would show that allegation has come that his
brother, Md. Imran used to sell and purchase illegal arms, he



escaped, the petitioner being innocent, got apprehended. He has absolutely no criminal antecedent, is in custody since 06.12.2024.

5. Learned APP opposes the prayer for bail submitting that recovery/seizure is from his house.

6. Considering the submissions of the parties as also the fact that nothing has been recovered from his conscious possession rather from the house, allegation is mainly against his brother, Md. Imran, is in custody since 06.12.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of 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 following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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