

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31889 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- ASARGANJ District- Munger

1. Md. Aasgar S/o Mohammad Reyaj @ Riyaj Malik @ Md. Reyazuddin Resident of Village- Aasha Jorari, P.S.- Asarganj, District- Munger
2. Md. Rinku @ Md. Jiyaoool S/o Late Jakruddin @ Jakko Resident of Village- Aasha Jorari, P.S.- Asarganj, District- Munger
3. Md. Akhtar S/o Late Chando Resident of Village- Aasha Jorari, P.S.- Asarganj, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr.Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2025 Learned counsel for the petitioner at the outset submits that petitioner no. 3, Md. Akhtar has been arrested during the pendency of the present petitioner and hence he may be permitted to withdraw the petition against petitioner no. 3, Md. Akhtar.

02. Permission is accorded.

03. The petition is dismissed as against petitioner no. 3, Md. Akhtar.

04. Heard learned counsel for the petitioner nos. 1 & 2 and learned A.P.P. for the State.

05. In the present case, the petitioners are apprehending their arrest in connection with Asarganj P.S. Case No.138 of 2024 registered for the alleged offences under Section 262, 132 of the



B.N.S. and Section 25(1)(a), 25(1-A), 25(1-AA), 25(1-B)(a), 25(1-B)(c), 26(1), 26(2) and 35 of the Arms Act.

06. As per prosecution case, the house of co-accused Md. Meraj @ Mataru was searched and a country made *katta* along with three live cartridges were recovered from the house. Apart from that, a large number of instruments for manufacturing fire arms were also recovered. Meanwhile, the FIR named co-accused persons along with these petitioners and 25-30 unknown persons assembled and creating law and order problem, forcibly freed co-accused Md. Meraj.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from person or possession of the petitioners and they have been named in this case on the basis of statement of local chowkidar. No offences under the provision of Arms Act is made out against the petitioners and allegation of freeing the co-accused is not believable as in the same FIR it has been earlier mentioned that when the informant reached the spot with her police team the crowd dispersed. It is further not believable that in presence of such large contingent of police personnel, the co-accused Md. Meraj was got freed by the petitioners and others. Learned counsel further submits that



petitioner no. 1 has got one criminal antecedent whereas the petitioner no. 2 has got no criminal antecedent.

05. Learned A.P.P. for the State vehemently opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that the petitioners have been specifically named as they were identified by the chowkidar.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of substantive material against the petitioners and further considering possibility of false implication in the background of contradictory statements of informant, let the petitioner no. 1, Md. Aasgar and petitioner no. 2, Md. Rinku @ Md. Jiyaool, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Munger in connection with Asarganj P.S. Case No.138 of 2024, subject to the condition laid down under Section 482(2) of the B.N.S.S and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date



fixed by the court below, if so
required by the learned trial
court.

(Arun Kumar Jha, J)

Anuradha/-

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