

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28083 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- MORKAHI District- Khagaria

Md. Mustkim @ Kailu @Kallu @ Md. Mustlo son of Md. Bajahat village-
Mirjapur Bardha, Ward no. 9, ps- Muffasil, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Morkahi P.S. Case No. 121 of 2024 instituted for the offences
under Sections 25(1-b)a, 25(1-AA), 26, 35 of the Arms Act.

3. As per the F.I.R., a mini gun factory was raided by
the police party near Bagmati River, leading to the arrest of
three persons including this petitioner and seizure of illegal
arms and other equipments.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner has got no concern with the recovered arms and



ammunitions. Learned counsel further submitted that recovery has been made from an open place near the bank of Bagmati river. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.08.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Other similarly situated co-accused person has been granted bail by this Court vide order dated 05-03-2025, passed in Cr. Misc. No. 12764 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Morkahi P.S. Case No. 121 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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