

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27306 of 2025

Arising Out of PS. Case No.-126 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

Mohammad Seraj @ Seraj Ansari @ Mahamad Seraj Ansari, Son of
Quamuddin Miyan @ Qyamuddin Miyan, Village -Durg Matihanian, P.S.-
Bishambharpur, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Bishambharpur P.S. Case No. 126 of 2024, registered for
the offences punishable under Sections 25(1-B)a, 26(1), 35 of
the Arms Act.

3. In course of patrolling the police received some
secret information regarding assemblage of some persons with
weapon, whereupon a raid has been conducted. On noticing the
police party, 8-9 persons who were standing there tried to flee
away, out of which 8 persons were apprehended, however one
persons succeeded in fleeing away. The apprehended person



disclosed the name of the petitioner who succeeded in fleeing away.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention of this Court to the seizure list has contended that allegedly in course of raid a twelve bore single barrel loaded gun alongwith a cartridge were recovered leading to institution of the FIR by making all the persons, who were assembled there as accused. The petitioner has neither any concern with the arms and ammunition in question, nor is any how connected with the accused persons, but only on account of suspicion and the disclosure made by some unscrupulous person, his name has been implicated. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the Court. Even if the allegation taken to be true, no case much less under Section 25(1-B)a, 26(1), 35 of the Arms Act is made out, is the contention of learned Advocate for the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in the



crime, coupled with his fair antecedent and specific assertion that he has no concern with the twelve bore single barrel loaded gun alongwith the cartridge, let the petitioner above named be released on bail, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Gopalganj in connection with Bishambharpur P.S. Case No. 126 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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