

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32579 of 2025

Arising Out of PS. Case No.-778 Year-2023 Thana- KHAGARIA District- Khagaria

Md. Saheb @ Md. Sahab @ Sahab @ Md. Shaheb S/O Late Manzoor R/o -
Bardhay, Mirzapur, P.S - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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

ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Khagaria P.S. Case No. 778 of 2023 instituted for the offence
under Section 414 of the Indian Penal Code and Sections 25(1-
b)a, 26 & 35 of the Arms Act. Earlier vide order dated 14-05-
2024, passed in Cr. Misc. No. 15287 of 2024, anticipatory bail
of the petitioner was rejected.

3. Prosecution case in short is that the police on the
basis of secret information, apprehended co-accused and, on
search from the bag, 6 pistols, 12 magazines, cash amounting to
Rs. 2000/-, a black colour mobile phone and Aadhaar Card were
recovered.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 03-03-2025. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that petitioner has no concern with the recovered arms. Nothing incriminating has been recovered from the possession of the petitioner. Learned counsel submits that petitioner was not even arrested from the spot and his name has surfaced in the confessional statement of co-accused, and the same has no evidentiary value in the eye of law. Other co-accused has been granted bail by this Court vide order dated 03-04-2024, passed in Cr. Misc. No. 83445 of 2023.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. 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 Khagaria P.S. Case
No. 778 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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