

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36136 of 2025**

Arising Out of PS. Case No.-607 Year-2024 Thana- PANCHRUKHI District- Siwan

Muzaffar Hussain @ Gabbar, Son of Ajamat Hussain R/o village - Sani
Basantpur, P.S.- G.B. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

3 27-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 607/2024 registered for the offences under Section 317(5) of B.N.S. and Sections 25(1-B)a, 26, 35 of the Arms Act. He has two criminal antecedents, i.e., Jamo Bazar P.S. Case No. 227 of 2015 registered under Section 309(6) BNS and (ii) Pachrukhi P.S. Case No. 509 of 2024 registered under Section 303 BNS.

3. As per the prosecution case, it has been stated that three persons were seen standing on the bank of road and when the police approached there they started to flee, however, the police apprehended one person and the rest two persons



managed to flee away. The apprehended person disclosed his name as Muzaffar Hussain @ Gabber (petitioner), he disclosed the name of two persons who fled away to be one Avinash Pandit @ Bajrangi (petitioner) and Munna Mahto @ Bihari. It has further been stated that on the disclosure made by the apprehended person, a country made pistol was recovered from the jeans pant of the apprehended person along with live cartridge.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case and he was not apprehended at the place of occurrence. Learned counsel further submits that no incriminating article has been recovered from the conscious possession of the petitioner. It is also submitted by learned counsel for the petitioner that charge-sheet has already been submitted in this case. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 21.12.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and stated that the Petitioner was apprehended along with a country-made pistol.

6. Considering the aforesaid facts and circumstances of the case and taking into the period of custody undergone by



the petitioner, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Siwan in connection with Pachrukhi (Sarai OP) P.S. Case No. 607/2024 subject to the following conditions:-

a. One of the bailors of the petitioner shall be his close relative.

b. The petitioner shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

d. The Court below shall verify the criminal antecedent of the petitioner except two above-mentioned cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except above-mentioned two criminal cases, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the afore-mentioned order shall not be delayed for purpose of or in the name of verification.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Siwan within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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