

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54030 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- Kharagpur District- Munger

1. MD. ANGUR @ ORANJEB S/O MD. SHAMSHER @ SUDDO R/O VILLAGE/MUHALLA- BARDHAY, P.S- MUFFASIL, DISTT.- MUNGER.
2. MD. SHAMIM S/O LATE KAMRUDDIN @ CHITO R/O VILLAGE/MUHALLA- BARDHAY, P.S- MUFFASIL, DISTT.- MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-01-2025 Heard Mr. Sanjiv Singh, learned counsel for the petitioner and Mrs. Pushpa Sinha, learned APP.

2. The petitioners are apprehending their arrest in connection with Kharagpur P.S. Case No. 39 of 2024 for the offence under Sections 25(1-a), 25(1-aa), 26(i)(ii) and 35 of the Arms Act, lodged on 05.02.2024 by the informant, Nitish Kumar.

3. As per the prosecution story, the informant alleged that on secret information about manufacturing of illegal fire arms, the place was raided and two persons were arrested. A cache of arms were recovered and the accused named the persons who escaped including these two petitioners. Accordingly, the F.I.R.

4. The petitioner no. 1, Md. Angur @ Oranjeb was



arrested during the pendency of the petition and his case already stands dismissed.

5. It is the case of the petitioner that other co-accused namely Md. Kailu @ Md. Rahman and Md. Wasim @ Md. Waseem have been granted relief in Cr. Misc. No. 53359 of 2024 and there is no recovery from their conscious possession rather from an open field.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid submissions as also the fact that the petitioner do not have criminal antecedent, some of the co-accused have been granted relief, as stated above, in that background, this Court is inclined to extend the petitioner no. 2 privilege of bail with conditions.

8. However if it is found that the petitioner no. 2 has criminal antecedent, the order shall become infructuous.

9. Let the petitioner no. 2 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM - IV, Munger in connection with Kharagpur P.S. Case No. 39 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



member/relative of the petitioner no. 2 who shall provide official document to show his/her bona fide;

(ii) the petitioner no. 2 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner no. 2 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner no. 2 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner no. 2 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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