

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54628 of 2025**

Arising Out of PS. Case No.-188 Year-2025 Thana- MUNGER MUFFASIL District- Munger

Md. Sonu @ Sajid Alam son of Late Md. Jainul R/V -Mirzapur, Bardan PS-  
Muffasil, Dist - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                         |
|--------------------------|---|-------------------------------------------------------------------------|
| For the Petitioner/s     | : | Shri Yogesh Chandra Verma, Sr. Advocate<br>Ms. Priyanka Singh, Advocate |
| For the Opposite Party/s | : | Shri Chandra Bhushan Prasad, A.P.P.                                     |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      27-08-2025                      Heard Shri Yogesh Chandra Verma, learned Senior  
Counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 111(2), 111(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 as well as Sections 25(1-A), 25(1-AA), 25(1-B)(a), 25(1-B)(c), 26(1), 26(2) and 35 of the Arms Act.

3. Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that house of Md. Shabbir Hasan @ Tipu was raided and huge quantity of illegal arms along with equipment for manufacturing arms, iron magazine, cartridges and smart phone was recovered and the apprehended accused disclosed that petitioner and other co-accused persons are involved in sale and purchase of illegal arms.



4. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant based on confessional statement of apprehended accused in police custody which does not have any evidentiary value in the eye of law. It is further submitted that no doubt the FIR has been instituted under Sections 111(2)(4) of the BNS which is with respect to organized crime but then it is submitted that Section 111 of the BNS incorporates the essential elements of the section which are - “unlawful activity must be on going or continuing, the act must be done by a person or group, either; alone or together, as part of a gang or organized crime syndicate or on behalf of such syndicate

- the act must be committed using unlawful means, such as, violence, threat, intimidation, coercion,

;-the purpose must be to get a direct or indirect material benefit especially financial gain,

the offender should be involved in a pattern of similar serious crimes where - more than one charge-sheet has been filed in last ten years and Court has taken cognizance of those offences”.

5. Learned Senior Counsel for the petitioner further submits that since petitioner is a person with clean antecedent, as such, the essential ingredients of Section 111 of the BNS do not



stand fulfilled.

6. Mr. Chandra Bhushan Prasad, learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that no doubt at para 3 it has been pleaded that petitioner is a person with clean antecedent but then his name has been disclosed by the apprehended accused from whose house huge quantity of illegal arms along with other equipment was recovered. It is further submitted that investigation of the case is in its nascent stages and if petitioner is granted the privilege of anticipatory bail, the petitioner may abscond on which learned Senior Counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. Considering the submissions made by the learned Senior Counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Munger Mufassil P.S. Case No. 188 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS



8. One of the bailors of the petitioner shall be his brother, namely, Md. Ali Raja.

9. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the provisional anticipatory bail shall not be confirmed but if it is found on verification that petitioner is a person with clean antecedent in that event the provisional anticipatory bail shall be confirmed forthwith.

10. It is further made clear that if the investigating officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

11. It is made clear that if the charge-sheet is submitted against the petitioner connecting him with the offence apart from confession in that event the present anticipatory bail order shall lose its effect.

**(Satyavrat Verma, J)**

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