

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64319 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- Banma Itahari District- Saharsa

Kasif Raza Son of Mahboob Alam Village- Laxminiya, P.S.- Banma Itahari,
District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-01-2025 Heard Mr. Krishna Prasad Singh, learned Senior
Counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Banma Itahari P.S. Case No. 12 of 2024 for the offence punishable under sections 25(1-A), 25(1-AA), 25(1-B)a, 26(I) (II) 34 of the Arms Act lodged on 11.04.2024 by the informant, Anil Kumar Singh.

3. As per the prosecution story, the informant alleged that upon information, the house of the petitioner's father Mahboob Alam was raided and it was found that he/family members are running the business of manufacturing of illegal arms. Huge quantity of arms and ammunition were recovered beside semi-manufactured parts of country made gun/country made revolvers as no valid papers were shown and the accused



arrested, petitioner being one of them.

4. It is the submission of the learned Senior Counsel that actual culprit is the father, Mahboob Alam, he is the Electrician working in a shop at Saharsa town where his family also reside. It was only due to “EID” that they had assembled and got implicated. Further, his brother Ali Raza has been granted relief in Cr. Misc. No. 57241 of 2024.

5. Learned APP opposes the prayer submitting that being present in the house where the arms were manufactured, it cannot be said that the petitioner had no knowledge.

6. Though, there is force in the submission of learned APP, the fact remains that the main allegation against the father and secret information, the Police received also related to the same, it is the case of this petitioner that he resides at a different place with his family and had assembled to celebrate the “EID”, his brother Ali Raza has been granted relief, as stated above, is in custody since 11.04.2024 (para-12 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Banma Ithari P.S. Case No. 12 of 2024



subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner 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 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)

Ravi/-

U		T	
---	--	---	--

