

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.645 of 2025

Arising Out of PS. Case No.-439 Year-2024 Thana- MARWAH District- Saran

Md. Shahil, aged about 30 years (Male), S/O Md. Sami Alam, Resident of
Hajratganj 12, Khanka Road, PS- Kasim Bazar, Distt-Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 439 of 2024 dated 30.07.2024
registered for the offences punishable under Sections 25(1-A),
25(1-AA), 25(1-B)a, 26 and 35 of the Arms Act.

3. As per the prosecution case, on secret information,
police raided the bricks factory of the co-accused Akhilesh
Kumar Kushwaha and apprehended him including the petitioner
and other co-accused persons and large number of articles used
in the manufacturing of illegal arms were also recovered. It is
further alleged that Akhilesh Kumar Kushwaha has disclosed
that the accused person Anil Rai fled away from the place of



occurrence after seeing the police party and he has concealed 20 manufactured and ready pistol to somewhere else.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is a labour and he has no concern with the alleged offence. It is further submitted that the petitioner used to work in the cement bricks factory and he had no knowledge that the illegal arms were kept in the said factory. No incriminating article has been recovered from his possession. There is no statutory compliance of Section 103 of the B.N.S.S. It is further submitted that the other co-accused persons, namely, Mohhamad Chand and Md. Irfan have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 1205 of 2025 with Cr. Misc. No. 1534 of 2025 under order dated 11.04.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 30.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Saran in connection with Marhowrah P.S. Case No. 439 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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