

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82874 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- KASIMBAZAR District- Munger

Md. Mahtab @ Md. Mahtab Alam @ Mahtab Ali @ Mahtab Son of Late
Fakhruddin R/o Mohalla- Mansari Tallay, P.S.- Kasim Bazar, P.O.- Munger,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kasim Bazar P.S. Case No. 150/2025 registered for the offences punishable under Sections 25(1), 25(1-A), 26(1), 26(2), 26(3) and 35 of the Arms Act.

3. As per prosecution case, there was alleged recovery of 06 semi-finished pistols, one pistol along with one empty magazine and one another empty magazine from the house of co-accused Dharam Kumar and one Redme mobile was also recovered from the pocket of said co-accused. The said apprehended co-accused disclosed that the petitioner and other were given the said arms for sale and they assured that profit



would be shared equally among them.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that Kasim Bazar police failed to implicate the petitioner in Kasim Bazar P.S. Case No. 303/2022 due to intervention of this court wherein no coercive order was passed and for that reason, the petitioner has been falsely implicated in the present case. He further submits that the petitioner has inimical term with the co-accused Dharam Kumar due to which the co-accused has falsely implicated the petitioner in the present case. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating articles were recovered from the possession or the house of the petitioner. He further submits that the petitioner is paralytic patient and suffering from paralysis and is under the treatment of doctor at Siliguri (photocopy of medical prescriptions are annexed as Annexure-3 series) of this petition. There is complete violation of Section 103 of the B.N.S.S. Apart from that the petitioner bears two criminal antecedents in which he is on bail in one case. In the light of aforesaid facts and circumstances of the case, no offence is made out against the



petitioner in the aforesaid Sections. He orally submits that the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, no incriminating articles were recovered from the possession or the house of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 150/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is 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 are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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