

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57806 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- LAUKAHI District- Madhubani

Md. Alauddin S/O Md. Jibachh Miya @ Md. Jibachh R/O Village- Dhobiyahi,
Ward No. 11, Karhari, P.S- Laukahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baleshwar Kamat, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-01-2026 Heard learned 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 25(1B)(a) and 26 of the
Arms Act.

3. The allegation is that of recovery of a gun from the
Madarsa upon raid being conducted on a secret information.

4. The learned counsel for the petitioner submits that so
far as the petitioner is concerned, he happens to be the care taker of
the said Madarsa and there were five other teachers, who were
teaching students admitted in the said Madarsa. It has also been
submitted that no recovery was made from the conscious possession
of the petitioner and the mandatory provisions of search and seizure
were also violated as the seizure list bears signature of two members
of the police force. Further, the place of recovery has also been said
to be near the bathroom under the grass within premises of the
Madarsa, for which the petitioner cannot be held to be liable.

5. Learned APP for the State opposed the prayer for



anticipatory bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that recovery is not from the conscious possession of the petitioner and there are no independent witnesses to the seizure list, coupled with the fact that the petitioner has no criminal antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Laukahi P.S. Case No. 88 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, subject to further condition:

“(i)The petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required, failing which the prosecution will be at liberty to move cancellation of his bail bond.”.

(Soni Shrivastava, J)

anand/-

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