

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57416 of 2019**

Arising Out of PS. Case No.-1 Year-2019 Thana- MUNGER MUFFASIL District- Munger

MD. GULAN @ GULFAM Son of Md.Ejajul Rahaman @ Ejazur Rahaman
Resident of Village Mirjapur, Bardah, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 18-12-2019 Heard learned counsel for the parties.

This application for regular bail arises out of Muffasil
P.S. Case No. 1 of 2019, disclosing offences punishable under
Sections 25(1-A), 25 (1-AA), 25 (1-B) A, 26 and 35 of the
Arms Act.

It is the case of the prosecution that the police on the
basis of secret information to the effect that the petitioner, who
was absconding in connection with a case relating to recovery
of AK-47 Rifle, had gone to search the petitioner's house. The
petitioner and his brother, it is alleged, on seeing the police
attempted to flee away but were subsequently apprehended. It
appears from the case diary that on disclosure made by the
petitioner fire arms viz, three country made pistol, three semi



finished pistols and one semi finished magazine and 13 other articles were recovered from the courtyard of the petitioner's house. The petitioner has criminal antecedent as has been stated in paragraph 3 of the application, which are as under:-

“(i) Muffasil P.S. Case No. 335 of 2018 under sections 25(1-b)a,26 of the Arms Act.

(ii) Muffasil PS Case No. 323 of 2018 U/s 121,379,414,120B,34 IPC, 25(1-a), 25(1-aa) 25 (1-B), A, 26, 35 of the Arms Act and 39 of U.A.P. Act.

(iii) Muffasil P.S. case NO. 334/18 Under Section 121, 379,414,120B,34 IPC, 25(1-A), 25 (1-AA), 25(1-b), a, 26, 35 of the Arms Act and 39 U.A.P. Act.

(iv) Muffasil P S Case No. 352/18 Under Section 121, 379,414,120B, 34 IPC, 25(1-A), 25(1-AA), 25 (1-B), A, 26,35 of the Arms Act and 39 U.A.P. Act.

(v) Muffasil PS Case No. 353/18 Under Section 121,379,414,120B,34 IPC, 25(1-A), 25(1-AA), 25 (1-b),a, 26, 35 of the Arms Act and 39 UAP Act.”



Learned counsel appearing on behalf of the petitioner has submitted that he is in custody since 02.01.2019.

Be that as it may, considering the gravity of the offence and the petitioner's criminal history, I am not inclined to grant privilege of regular bail to the petitioner.

This application is rejected.

Learned Court below is, however, directed to make endeavour to conclude the trial expeditiously, preferably within six months from the date of receipt/production of a copy of this order.

The District Magistrate and the Superintendent of Police, Munger are directed to ensure that the witnesses are made available and necessary sanction order as required under the Arms Act is passed, in accordance with law, for early disposal of trial. If there is no substantial progress in the trial, the petitioner shall have liberty to approach this Court, renewing his prayer for bail after six months.

Let a copy of this order be communicated to the District Magistrate, Munger and the Superintendent of Police, Munger forthwith.

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(Chakradhari Sharan Singh, J)

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