

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61909 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- MUNGER MUFFASIL District- Munger

1. MD. GULFAM @ MD. GULFAN @ GULAN @ MD. GULAM @ SONU
Son of Ejajul Rahman @ Ejazur Rahman
2. Md. Tanveer Alam @ Md. Tanveer @ Sonu Son of Ejajul Rahman @ Ejazur
Rahman
3. Md. Rizwan @ Bhutto Son of Ejajul Rahman @ Ejazur Rahman
All are resident of Village - Mirzapur, Bardah, P.S.- Muffasil, District
- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 15-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are in custody since 08.10.2018 in connection with Muffasil P.S. Case No. 334 of 2018 registered for the offence punishable under Sections 121/379/414/120(B) / 34 of the Indian Penal Code and Section 25(1-a)/25(1-aa)/25(1-b)a, 26/35 of the Arms Act and Section 39 of the U.A.P. Act.

Learned counsel for the petitioners submits that the alleged recoveries were made from near the graveyard on the disclosure made by one Amna Khatoon who took the name of Puroshottam Lal Rajak and it is on the confessional statement made before the police by the said Puroshottam Lal Rajak, the



present petitioners have been taken into custody. Learned counsel for the petitioners submits that though the petitioners No. 1 and 3 are named in the FIR, but their names have surfaced only in the confessional statement made before the police. So far as the petitioner No. 3 is concerned, his name came on the basis of confessional statement of co-accused in course of investigation before the police which has no evidentiary value. Learned counsel for the petitioners further submits that nothing has been recovered from their possession and save and except the confessional statement, there is nothing on record to implicate the present petitioners. He further submits that the provisions of Section 39 of the U.A.P. Act are not applicable in this case. It is also submitted that one similarly situated co-accused person, namely, Sada Rifat has since been released vide order dated 28.06.2019 passed in Cr. Misc. No. 31843 of 2019.

Considering the aforementioned facts and circumstances, let the petitioners above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Muffasil P.S. Case No. 334 of 2018, subject to the



following conditions:-

(1) One of the bailors will be the father of the petitioners.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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