

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1950 of 2020

Arising Out of PS. Case No.-258 Year-2018 Thana- JAMALPUR District- Munger

Md. Rizwan @ Md. Rizwan Khan Son of Late Md. Paithan @ Abul Khan @
Abul Paithan Resident of Village/Muhalla - Sitakund Road, Mirzapur Bardah,
P.S.- Muffasil, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjiv Kumar Singh, Adv.
For the Opposite Party : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 20-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Jamalpur P.S. Case No. 258 of 2018 for the offence registered
under Sections 25(1-A), 25(1-AA), 25(1-B)C, 26 and 35 of the
Arms Act, under Sections 121, 121A, 124A, 379, 419,
120 (B)/34 of the Indian Penal Code and under Section 39 of the
U.A.P. Act.

As per the allegation in the FIR, on receiving
information about sale and purchase of illegal arms, a raid was
conducted and one accused Md. Imran Alam was arrested. On
search of his bag, a number of illegal arms i.e. AK-47 etc. were
recovered for which a seizure list was prepared. It is stated that



the said Md. Imram Alam disclosed the name of four other persons, of acting as partner along with him in his illegal deeds.

It is submitted by the learned counsel for the petitioner that the petitioner was not named in the FIR and his name has transpired in the confession of one Samsheer Alam made before the police. Neither the petitioner was arrested at the place of occurrence nor any incriminating article has been recovered from his person or possession. It is stated that he has been falsely implicated in this case only because of a series of other false cases lodged against him in the past. It is further submitted that similarly situated co-accused person has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.02.2020 passed in Cr. Misc. No. 55816 of 2019. It is further submitted that other similarly situated co-accused persons have also been granted the privilege of regular bail, one of such order being the order dated 01.10.2019 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 60901 of 2019. Lastly, it is submitted that the petitioner is languishing in custody since 29.10.2018.

The learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that name of the petitioner has transpired in the confession of the co-accused, made before the police, no recovery is said to have taken place from the possession of the petitioner and further considering the parity of the case of the petitioner with those co-accused persons, who have already been granted bail, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 258 of 2018.

(Mohit Kumar Shah, J)

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