

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14478 of 2021**

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

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Jha
For the Opposite Party/s : Ms.Rita Verma (APP)

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

ORAL ORDER

3 26-05-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Muffasil P.S. Case No. 01 of 2019 registered for the offences
punishable under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26, 35
of the Arms Act.

The petitioner had earlier approached this Court for
grant of regular bail which was rejected by an order dated
18.12.2019 passed in Cr. Misc. No. 57416 of 2019. The
petitioner has filed the application renewing his prayer for
regular bail.

It is prosecution's case that the petitioner was



absconding in a criminal case relating to AK-47 rifle. On the basis of secret information that the petitioner was seen with his brother in his house, the police party surrounded the petitioner's house and conducted a raid leading to the petitioner's arrest. On search, three country-made pistols, three semi-finished pistols, two pistol-barrels and other materials for manufacture of firearms were recovered from the courtyard of the petitioner's house. The petitioner is in custody since 01.01.2019.

Learned counsel appearing on behalf of the petitioner has submitted that there is no independent witness to support recovery of the articles, as alleged in the F.I.R., and there is no other legal evidence against the petitioner to justify his incarceration.

Statement in paragraph 3 of the application discloses that the petitioner has following criminal antecedents:-

“(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 Under Sections 121, 379, 414, 120(B)/34 of the 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, 120(B)/34 of the 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, 120(B)/34 of the 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, 120(B)/34 of the IPC, 25(1-A), 25(1-AA), 25 (1-b),a, 26, 35 of the Arms Act and 39 UAP Act.”

Considering the nature of allegation in the present



case and the petitioner's criminal antecedent, I am not inclined to grant the petitioner privilege of regular bail for the present.

This application is accordingly rejected.

The petitioner shall, however, be at liberty to renew his prayer for bail after six months, if in the meanwhile, there is no progress at the trial.

(Chakradhari Sharan Singh, J)

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