

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22692 of 2021

Arising Out of PS. Case No.-353 Year-2018 Thana- MUNGER MUFFASIL District- Munger

MD. RIZWAN Son of Late Md. Paithan @ Abul Khan @ Abul Paithan
Resident of Village - Mirzapur Bardah, P.S.- Mufassil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 17-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Muffail P.S. Case No. 353 of 2018 registered for the offence under Sections 121, 379, 414, 120(B) and 34 of the Indian Penal Code and Section 25(1-A), 25(1-AA) 25 (1-B)A, 26 and 35 of the Arms Act.

On the confession of Md. Rizwa @ Bhutto made before the police, some parts of A.K.-47 have been recovered after digging the field of one Ajmeri Begum.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. In fact, the petitioner, who is not named in this F.I.R, has been made accused in this case merely on the basis of confessional statement of the co-accused, namely, Majar Alam and Gullan @ Gulfam made before the police, which has no evidentiary value in the eye of law. No arms or ammunition have been recovered from the possession of the petitioner. The seizure list itself suggest that the alleged recovery has been made from the field of one Ajmeri Begum situated near the bank of Ganga river. This petitioner has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 14.02.2019.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that altogether nine cases of similar nature other than the present one are pending against the petitioner.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) 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. 353 of 2018 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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