

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23084 of 2021

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

Md.Manzar @ Manjee @ Md.Manzar Alam @ Manzar Son Of Late Md. Ali
Raja Resident Of Village/ Mohalla- Mirzapur Bardah, Police Station-
Mufassil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-09-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Jamalpur Police Station Case No. 258 of 2018 registered for the offence punishable under Sections 25 (1-A) 25 (1-AA), 25 (1-B) A/26/35 of the Arms Act and Sections 121, 121(A), 124(A), 379, 419, 120 (B)/34 of the Indian Penal Code and 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. Imran Alam*, disclosed the name of four other persons, of acting as partner along with him in his illegal deeds.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that the alleged article i.e. AK 47 was recovered from *Md. Imran Alam* and not from the petitioner. No incriminating article has been recovered from his conscious physical possession. He submits that there is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused *Md. Imran Alam* which has no evidentiary value in the eye of law. Similarly situated co-accused persons have already been granted bail by different Co-ordinate Benches of this Court as annexed with this bail application *vide* Annexure 2 series. He further submits that till date the case has not been committed to the court of Session. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has ten criminal antecedents as has been mentioned in para 3 of this bail application and he is languishing in custody since 29.10.2018.



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, District- Munger in connection Muffasil Police Station Case No. 258 of 2018 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the 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 and when so required and in the case of failure, the State shall be at liberty to



move for cancellation of bail.

(5) It is directed that after release the petitioner will have to appear before the Police Station of his local area in the first week of the each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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