

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30501 of 2020

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

MD. FAISAL Son of Md. Khursid @ Khursid Alam 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. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 08-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Muffasil P.S. Case No. 334 of 2018 registered for the offence under sections 121, 379, 414, 120B and 34 of the Indian Penal Code, section 25(1-A), 25(1-AA), 25(1-B)(a), 26 and 35 of the Arms Act and section 39 of U.A.P. Act.

As per allegation in the first information report, arrest of an accused, namely, Md. Shamser Alam, led to subsequent raids and recovery of various illegal arms including AK 47 rifles.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the first information report. His name transpired in course of investigation in paragraph no.



164 of the case diary. However, such confessional statement has also not led to any recovery of incriminating article from his person or possession. It is submitted that the case of the petitioner stands on a similar footing to that of co-accused Md. Firoj, who has been enlarged on anticipatory bail vide order dated 2.12.2019 passed in Cr. Misc. No. 78296/2019. The petitioner has no criminal antecedent.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

A report was called for with respect to the antecedent of the petitioner from the Senior Superintendent of Police, Munger and the same has been received. As per the report, the petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration that no incriminating article has been recovered from the person or possession of the petitioner and grant of bail to co-accused Md. Firoj, the Court is inclined to enlarge the petitioner on anticipatory bail.

The petitioner above named, in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Muffasil P.S. Case no. 334 of 2018 is directed to be enlarged on bail on furnishing bail bond



of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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