

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.36433 of 2020**

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

Md. Khurshid @ Md. Khurshid Alam son of Md. Salim resident of village-
Bardah Mirjapur, P.s.- Mufasil, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

8 09-07-2021 Learned counsel for the petitioner has informed that he has filed a supplementary affidavit stating about the total seven cases as criminal antecedents against the petitioner.

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

Petitioner in the present case is seeking regular bail in connection with Jamalpur P.S. Case No. 258/2018 registered for the offences punishable under Section 121, 121A, 124A, 379, 419, 120B/34 of the Indian Penal Code & Section 25(1-A), 25(1-AA), 25(1-B), 26, 35 of the Arms Act and 39 of Unlawful Activities (Prevention) Act (hereinafter referred to as the “U.A.P Act”).

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional



statement of co-accused Md. Imran Alam from whose possession three AK-47 Rifles were recovered.

Learned counsel further submits that no incriminating article has been recovered from the possession of the petitioner, however his contention has strongly contested by Mr. Fahimuddin.

Learned A.P.P. for the State has read out the materials collected in paragraph '64' of the case diary. It is pointed out that from the house of the petitioner three AK-47 Rifles and magazines have been recovered in course of raid. The seizure list has been prepared showing the name of his wife, however the petitioner's name has come in the confessional statement of the co-accused and the recovery of deadly weapons from his house corroborates the allegation that he is also involved in smuggling of the arms and ammunitions.

At this stage, learned counsel for the petitioner accepts that the house is that of the petitioner but then his contention is that his brother-in-law was keeping the arms in the house which he was not aware of.

This petitioner has got six criminal antecedents and it appears that while on bail in some of those cases petitioner's name and recovery has come in this case.



Considering the facts and circumstances of the case, there being huge recovery of three AK-47 Rifles with Magazines and prima-facie materials is present, the case is registered under the Arms Act as well as under Section 39 of the U.A.P Act , there being also six criminal antecedents, this Court is not inclined to release the petitioner on bail.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

