

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37549 of 2020

Arising Out of PS. Case No.-352 Year-2018 Thana-MUNGER MUFFASIL District- Munger
=====

MD. KHURSHID @ MD. KHURSHID ALAM SON OF MD. SALIM
RESIDENT OF VILLAGE-BARDAH MIRZAPUR MUNGER, 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. Syed Ehyeshamuddin, A.P.P.
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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 02-07-2021 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State through video

conferencing.

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

As per allegation in the FIR, it is stated by the
informant that on receiving information with respect to the
accused persons dealing in illegal arms, a team was constituted
by the Superintendent of Police, Munger and raids were
conducted. It is stated that Md. Tanwir Alam disclosed that he
obtained AK-47 rifle from a retired Army Armourer and got the



same from Jabalpur by train. He used to sell the same to naxalites and hardened criminals. It is further stated that his brother Md. Rizwan used to help in concealing the arms. The accused persons used to hide the illegal arms in the well. The informant mentions about the details of the raids conducted, the search carried out and the names of the accused persons with their roles. He also mentions about the sack being recovered from the well containing AK-47 rifles etc.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. He has been falsely implicated in the case. His name transpired in the course of investigation only as the acquaintance/relative of a co-accused. No incriminating article has been recovered from his possession. Neither he nor his wife were involved in dealing with the AK-47 rifle etc. The learned Additional Sessions Judge has committed an error of record. Co-accused Pawan Mandal and Sada Rifat have been enlarged on bail vide orders contained in Annexure-2 series. The petitioner is in custody since 22.6.2019 and investigation in the case has concluded.

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



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the submissions made on behalf of the petitioner and the petitioner being in custody since 22.6.2019, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Muffasil P.S. Case no. 352 of 2018 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.

(Partha Sarthy, J)

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