

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4293 of 2022

Arising Out of PS. Case No.-555 Year-2018 Thana- KOTWALI District- Munger

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Md Nayazul Rahman @ Md Niyazul Rahman @ Md Niyajur Rahman @
Niyazur Rahman @ Gulo, Son of Md. Abdul Rasid, Resident of Village-
Mirazapur Bardah, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kotwali P.S. Case No. 555 of 2018 registered
for the alleged offences under Sections 121, 379, 414, 120B and
34 of the Indian Penal Code and Sections 25(1-A), 25(1-AA),
25(1-B)a, 26 and 35 of the Arms Act and Section 39 of
Unlawful Activities (Prevention) Act, 1967 (UAP Act).

As per prosecution case on the basis of information
received about co-accused Md. Imran and his relatives
indulging in trade of AK-47 rifles, a raid was conducted at the



identified place and three FIR named co-accused persons were apprehended and from their possession sophisticated firearms and ammunition were recovered. It also came to the knowledge that the co-accused persons used to sell these weapons to naxalites and other anti-social elements. The name of the petitioner transpired during investigation as one of the accused persons who was also involved in the transaction of illicit trade of sophisticated weapons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his personal possession. The petitioner has been named in this case on the basis of the confessional statements of the co-accused persons, but the confessional statements have no legal sanctity. Learned counsel further submits that even otherwise the allegation against this petitioner is that he introduced the other co-accused persons to a person in army who used to supply them the weapons. Learned counsel further submits that there would be no application of Section 39 of U.A.P. Act against this petitioner as there is no allegation that he has been supporting any terrorist organizations. The petitioner is in custody since 10.02.2019 and charge sheet has



been submitted.

Learned APP opposes the prayer for bail submitting that at the instance of this petitioner the co-accused persons came into contact with the army men who used to supply them with sophisticated weapons and further allegation against the petitioner is that he used to give financial help to the co-accused for purchase of the weapons.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the main thrust of allegation is against the co-accused persons and considering the not so serious nature of allegation against this petitioner with further lack of substantive material to connect them with the offence as alleged and further considering the period of his custody along with the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Kotwali P.S. Case No. 555 of 2018, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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