

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22775 of 2022

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

Md.Manjar Alam @ Manjeet @MANJEE @ Manjar, Son of Late Ali Raja,
Resident of Village - Mirzapur Bardah, P.s.- Mufassil, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 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 from the date of resumption of physical filing and physical removal of defect.

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 and 120(B)/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 the U.A.P. Act.

As per the prosecution case, the co-accused persons were apprehended with sophisticated deadly weapon, namely AK-47, one Masket, a pistol and other articles including live



cartridges. Later on, the name of the petitioner transpired as one of the accused persons in this case for his involvement in deals of the sale and purchase of illegal firearms.

The learned counsel for the petitioner submits that except for the confessional statement of the co-accused, there is nothing on record to show the involvement of this petitioner in the alleged occurrence. Learned counsel further submits that except for co-accused Md. Irshad Ahmad and Satyam Kumar Yadav, other co-accused persons have been acquitted by the trial court in S.T No. 172 of 2021. So it also goes on to show that nothing of substance has been found during the investigation against this petitioner. The similarly placed co-accused persons have been granted bail by different Co-ordinate Benches of this Court in Cr. Misc. No. 36995 of 2019, Cr. Misc. No. 30912 of 2019, Cr. Misc. No.39864 of 2019 and Cr. Misc. No. 51232 of 2021. The petitioner was not named in the FIR and he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. He is in custody since 04.06.2020 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the allegations are very serious against this petitioner though it came in the confessional statement of the co-accused.



Learned APP also submits that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has been in custody for more than two years and charge-sheet has been submitted and also considering the fact that the petitioner's name came up only on the basis of confessional statement and nothing incriminating came up during investigation as submitted, 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 learned 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 Md. Shahzada Hussain, Bhagina of the petitioner, who has sworn the affidavit in this case.

(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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