

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54193 of 2021

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

MD. MUSTAKIM @ MANGAL KHAN SON OF LATE MD. JAINUL
RESIDENT OF VILLAGE- MIRJAPUR, BARDAH, POLICE STATION-
MUFFASIL, DISTRICT-MUNGER

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-03-2022

Heard learned counsel for the petitioner and the State.

The petitioner is languishing in custody for the offences punishable under Sections 121/379/414/120B/34 of the Indian Penal Code, Sections 25(1-a)/25(1-aa)/25(1-b)a/26/35 of the Arms Act and Section 39 of the UAP Act.

As per the prosecution, one co-accused, Amna Khatoon, was apprehended and her confessional statement was recorded in which she disclosed the name of other co-accused persons involved in the alleged occurrence. It is further alleged that on her instance one bag containing two AK 47 rifle was recovered near Kabristan of village Mirzapur Bardah.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. Petitioner has been made accused on the basis of



confessional statement of co-accused Shamser Alam. No arms and ammunition has been recovered from the possession of this petitioner. The only material that has come against this petitioner is that those arms and ammunition were sold to Naxals through this petitioner. Similarly situated accused Md. Gulfam and others have already been granted bail by a co-ordinate Bench of this court vide order dated 15.11.2019 passed in Cr. Misc. No. 61909/2019. Petitioner is in custody since 03.06.2020. and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Muffasil PS case No. 334/2018.

BKS/-

(Prabhat Kumar Singh, J)

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