

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32170 of 2023

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

Rizwana Begum @ Rizwana Khatoon Wife Of Md. Khurshid @ Md.
Khurshid Alam R/O Village- Bardah Mirjapur, P.S.- Mufasil, 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. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Munger
Muffasil P.S. Case No. 352 of 2018 registered for the offence
under Sections 121, 379, 414, 120-B/34 of the Indian Penal
Code, under Sections 25(1-A), 25(1-AA), 25(1-B)A, 26 and 35
of the Arms Act and under Section 39 of the U.A.P. (Unlawful
Activities (Prevention) Act, 1967.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.03.2022.

The allegation against the petitioner is to have in
possession of prohibited arms like A.K.47 rifles alongwith other



co-accused persons and also to involve in sale/purchase of prohibited arms, where on the basis of confessional statement of co-accused Md. Tanvir Alam@Sonu, 12 A.K.47 rifles were recovered from the well of one Srikant Singh.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of suspicion as raised during the course of investigation through supervision note of D.I.G. (Deputy Inspector General) of Munger zone, where the reason of suspicion is that petitioner is the sister of co-accused Samser Alam, who appears to be one of the main co-accused of this case from whom the prohibited arms alleged to be recovered. It is submitted that save and except suspicion nothing incriminating surfaced during the course of investigation against this petitioner and implication appears only being family members. It is submitted that several similarly situated co-accused persons have already been granted bail by different learned Co-ordinate Bench of this Court, which is the part of **annexure-2** of present bail petition. It is further submitted that not even charge was framed in this case despite the fact that petitioner is in custody since 03.03.2022 and, as such, trial is a remote aspect.

Learned APP opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as no recovery of prohibited arms appears to be made from the possession of this petitioner, where implication appears to be based upon suspicion, coupled with the fact that petitioner is, a lady, in custody since 03.03.2022, accordingly, above named petitioner is directed to be released 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 learned Chief Judicial Magistrate, Munger/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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