

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39011 of 2023

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

MD.MURSHID @ SURMA @ MD. MURSHID ALAM S/O MD. SALIM @
MD. KALIM R/O Vill./Muhalla Bakarpur Dariyapur, PS. Muffasil, Dist.
Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-09-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 25(1-A), 25(1-AA), 25(1-B), 26 and 35 of the Arms Act and Section 39 of Unlawful Activities Prevention Act.

As per allegation in the FIR, several accused persons including the petitioner are indulged in business of A.K. 47 with the help of his associates to Naxalites and other dreaded criminals. It is further alleged that at the instance of Anna Khatoon, two A.K.-47 were recovered from a pit in south-west corner of outer wall of graveyard.



It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. At the instance of co-accused Amna Khatoon, arms were recovered and she confessed the name of co-accused Shamsher and he was arrested by the police. Accused Shamsher was interrogated by the police and he disclosed the name of the present petitioner before the police, which has no evidentiary value in the eye of law. Nothing has been recovered from his possession or from his house. Similarly situated co-accused Md. Gulfam and two other accused persons had already been enlarged on bail by another coordinate Bench of this Court vide order dated 15.11.2019 passed in Cr. Misc. No. 61909 of 2019. Petitioner is languishing in judicial custody since 24.11.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner is habitual offender as six more cases of like nature are pending against him.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above



named petitioner is directed to be enlarged on bail on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the like amount each to the satisfaction
of the learned Additional Sessions Judge 3rd, Munger in
connection with Munger Muffasil P.S. Case No. 334 of
2018.

(Sunil Kumar Panwar, J)

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