

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38556 of 2023**

Arising Out of PS. Case No.-258 Year-2018 Thana- JAMALPUR District- Munger

MD. MURSHID @ SURMA @ MD. MURSHID ALAM @ MURSHID S/O
MD. KALIMUDDIN @ 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.Umeshanand Pandit

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 14-07-2023 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)A/26/35 of the Arms Act and Sections 121, 121(A), 124(A), 379, 419, 120(B)/34 of the IPC and Section 39 of the U.A.P. Act.

As per allegation in the FIR, on getting secret information about business of illegal arms by some smugglers, police party proceeded there and saw that one person was standing with trolley bag as he was waiting for some. After seeing the police party, he make his best effort to escape but was caught by the police and disclosed his name as Md. Imran Alam.



On search, three prepared AK-47 Rifles fitted with 27 empty magazine and some parts of AK-47 Rifles were recovered from the said trolley bag. He disclosed the name of other accused persons including the name of the petitioner as of his associates.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He was not arrested on spot neither any incriminating article has been recovered from his possession. The name of the petitioner has transpired in the confessional statement of co-accused Imran Alam before the police, which has got no evidentiary value in the eye of law. It is further submitted that several accused persons have already been enlarged in this case. Co-accused Babloo Machhi has been enlarged on bail vide order dated 30.5.2023 passed in Cr. Misc. No. 15601 of 2023. Petitioner is languishing in judicial custody since 24.11.2022.

The application for bail is opposed by learned APP for the State.

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
Jamalpur P.S. Case No. 258 of 2018.

(Sunil Kumar Panwar, J)

sushma/-

U			
---	--	--	--

