

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42873 of 2023

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

Md.Murshid @ Surma @ Md.Murshid Alam, S/O Md. Jalim @ Md. Kalim, R/O
Village/Mohalla- Bakarpur Dariapur, PS. Muffasil, Dist. 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.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-07-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with S.T. No. 114/ 2023 arising out of Kotwali P.S. Case No. 555/2018 dated 26.12.2018 registered for the offences punishable u/ss 121, 379, 414, 120B read with Section 34 of the Indian Penal Code and u/ss 25(1-A), 25(1-AA), 25(1-B)a, 26, 35 of the Arms Act and u/s 39 of the U.A.P. Act.

4. As per the prosecution case, A.K-47 Rifle, Masket, magazine of AK-47 rifle and huge quantity of illegal arms have been recovered from the co-accused persons.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused persons. Nothing has been recovered from the conscious possession of the petitioner. The co-accused person has already been granted bail by the Coordinate Bench of this court vide order dated 10.08.2022 passed in Cr. Misc. No. 22775 of 2022. The petitioner is also accused in seven other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 24.11.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Munger in connection with S.T. No. 114/ 2023 arising out of Kotwali P.S. Case No. 555 of 2018 with the condition :-

(i) The petitioner is directed to



remain physically present
before the learned Court below
on each and every date, failing
which on two consecutive
dates without reasonable
cause, his bail bonds is liable
to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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