

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.615 of 2022

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

Aisha Begum W/o Md. Lokman R/o village- Mirjapur, Bardah, P.S.- Muffasil,
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46846 of 2022

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

Manoj Kumar Singh S/o Uday Kumar Singh R/o village- Bindwara, P.S.-
Kasim Bazar, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 615 of 2022)

For the Petitioner/s : Mr.Raj Kumar Choudhary

For the Opposite Party/s : Mr.Uday Pratap Singh

(In CRIMINAL MISCELLANEOUS No. 46846 of 2022)

For the Petitioner/s : Mr.Prabhat Ranjan Singh

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 18-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Jamalpur P. S. Case No. 258 of 2018, G.R. No. 2656 of
2018, registered for the offences punishable under Sections
25(1-A), 25(1-AA), 25(1-B)c, 26 and 35 of the Arms Act,



1959; Sections 121, 121'A', 124 'A', 379, 419, 120'B' and 34 of the Indian Penal Code; and Section 39 of the Unlawful Activities (Prevention) Act, 1967.

As per allegation in the F.I.R., on receiving information about sale and purchase of illegal arms, a raid was conducted and one accused, Md. Imran Alam was arrested. On search of his bag, a number of illegal arms, i.e., AK-47 etc. were recovered, for which seizure list was prepared. It is further alleged that the said Imran Alam disclosed the name of four other persons, of acting as partners along with him in his illegal acts.

Ld. counsel appearing on behalf of the petitioner, Aisha Begum submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner. He also submits that the name of the petitioner transpired in the confessional statement of one of the co-accused, Samsheer Alam.

Ld. counsel appearing on behalf of the petitioner,



Manoj Kumar Singh submits that petitioner is not named in the F.I.R. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner transpired in the confessional statement of Md. Imran Alam.

They further submit that the petitioners have been languishing in jail since 13.09.2020 and 21.01.2019 respectively.

It has also been stated in paragraph no. 3 of Cr. Misc. No. 615 of 2022 and Cr. Misc. No. 46846 of 2022 that the petitioners have earlier been made accused in two and three other cases respectively.

It is also stated in paragraph no. 2 of Cr. Misc. No. 615 of 2022 that the petitioner has earlier moved this Court for grant of anticipatory bail *vide* Cr. Misc. No. 39787 of 2019, whereas in paragraph 2 of Cr. Misc. No. 46846 of 2022, it has been stated that petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.



Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Munger, in connection with Jamalpur P. S. Case No. 258 of 2018, G.R. No. 2656 of 2018 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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