

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49824 of 2023

Arising Out of PS. Case No.-353 Year-2018 Thana- MUNGER MUFFASIL District- Munger

MD. LOKMAN @ LUKMAN SON OF MD. GAFOOR RESIDENT OF
VILLAGE - MIRJAPUR BARDAH, POLICE STATION - MUFFASIL,
DISTRICT - MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 353 of 2018 registered under Sections 121, 379, 414, 120(B) and 34 of the Indian Penal Code and Section 25(1-A), 25 (1-AA), 25(1-b)a, 26 and 35 of the Arms Act lodged on 30.09.2018 by the informant, Bindeshwari Yadav.

As per the prosecution story, the police on information that Ajmeri Begum has concealed parts of A.K 47 rifle near the bank of Ganga reached there and upon search huge quantity kept in a plastic bag recovered/seized. Accordingly, the FIR.



The case of the petitioner is that the police got information about Ajmeri Begum, the alleged recovery is from the bank of Ganga, subsequently one Gullan @ Gulfam was picked by the police, who confessed the names of others including the petitioner.

It is his case that the said Gullan @ Gulfam has also named Ayush Begu, Md. Rizpan along with this petitioner, it is his submission that the said Md. Rizwan has since been extended the privilege of bail by a co-ordinate bench of this Court in Cr. Misc. No. 22692 of 2021 vide order dated 17.12.2021. It is his further submission that some other co-accused persons, namely, Md. Khurshid @ Md. Khurshid Alam and Md. Manzar Alam @ Manji have also extended the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 2545 of 2022 and Cr. Misc. No. 26426 of 2021 vide order dated 31.03.2022. The last submission is that he has already suffered by being in custody since 03.01.2019 only because he has seven (7) criminal cases in his belt which have been lodged one after another.

Learned APP for the State opposes the prayer for bail stating that police recovered parts of A.K. 47 rifle and during the investigation, the name of the petitioner has been given by



one of the co-accused, Gullan @ Gulfam.

Considering the submission put forward by the learned counsel for the petitioner that the main allegation is against one one Ajmeri Begum, name of the petitioner has come in the confessional statement of Gullan @ Gulfam, he also named Md. Rizwan, who has since granted the privilege of bail and he has remained in custody for four and half years, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 50,000/- (fifty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -II, Munger in connection with Muffasil P.S. Case No. 353 of 2018, subject to the following conditions:

(i) two of the bailors should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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