

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17536 of 2024

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

MD. GULFAM @ MD. GULFAN @ GULAN Son of Md. Ejajul Rahman @
Md. Azajul Rahman Resident of Village-Mirjapur, Bardah, P.S.-Muffasil,
District-Munger.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.294/2021 arising out of Jamalpur P.S. Case No. 258/2018
registered for the offences punishable under Sections 25(1-A),
25(1-AA), 25(1-B), C, 26/35 of the Arms Act and Sections 121,
121A, 124A, 379, 419, 120(B)/34 of the Indian Penal Code and
under Section 39 of the U.A.P. Act.

3. As per prosecution case, on receiving information
about sale and purchase of illegal arms, a raid was conducted
and one co-accused Md. Imran Alam was apprehended. On
search of his bag, a number of illegal arms i.e. AK-47 rifles
were recovered for which seizure list was prepared. It is alleged



that co-accused Imran Alam disclosed the name of other accused persons who were partner in his illegal deeds.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name has been transpired at para 136 of the case diary on the confessional statement of co-accused Imran Alam. The petitioner is languishing in custody since 13.09.2019 and bears criminal antecedent of seven cases. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered either from possession of the petitioner or from his house. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Charge has been framed on 30.05.2022, as mentioned in the impugned order. He further submits that on similar and identical allegation, co-accused Md. Mustakim @ Mangal Khan has already been granted bail by this Court vide Cr. Misc. No.42026/2021 and on the principal of parity, the petitioner also deserves same treatment. He further submits that during course of investigation, no cogent material is available against the petitioner. In the light of aforesaid submission, no offence is



made out against the petitioner under the U.A.P. Act or other alleged sections.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is near about five years, petitioner is not named in the FIR, on similar and identical allegation co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Munger in connection with S.T. No.294/2021 arising out of Jamalpur P.S. Case No. 258/2018, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall not leave the territorial jurisdiction of the trial court without appropriate permission of the court concerned.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(vi) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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