

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29545 of 2024**

Arising Out of PS. Case No.-334 Year-2018 Thana- MUNGER MUFFASIL District- Munger

Md. Mahfuz @ Maifa S/o Md. Shamsheer @ Sudo Resident of  
Village/Muhalla- Mirzapur Bardhay, P.S.- Muffasil, Distt.- 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. Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      26-04-2024                      Heard learned counsel appearing on behalf of  
  
the petitioner and learned APP appearing on behalf of  
  
the State.

2. The petitioner seeks bail in connection with  
  
Muffasil P.S. Case No. 334 of 2018 registered for the  
  
offences under Sections 121, 121A, 124A, 380, 381,  
  
409, 120B/34 of the Indian Penal Code, Sections 25(1-  
  
A), 25(1-AA), 25(1-B)a/26/35 Arms Act and Section 39  
  
of the U.A.P. Act.

3. The petitioner is not named in the F.I.R. and  
  
is in custody since 19.02.2022.

4. The allegation against the petitioner is to



have in possession of prohibited firearm like AK-47 alongwith other co-accused persons and also engaged in illegal activities like sell and purchase of prohibited firearms.

5. Learned counsel appearing on behalf of the petitioner submitted that recovery of prohibited firearm in issue was made from graveyard on the disclosure made by one co-accused Amna Khatoon, who took the name of another co-accused Purushottam Lal Rajak, who in his confessional statement named co-accused Md. Gulfam, who upon arrest named this petitioner. It is pointed out that said Md. Gulfam has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 61909 of 2019 vide order dated 15.11.2019. It is submitted that save and except suspicion as arises out of confessional statement of co-accused nothing incriminating surfaced against this petitioner and as such rigorous provisions of Section 39 of U.A.P. Act not appears applicable in the present case.



While concluding the argument it is submitted that petitioner found involved in one more case of similar nature, where investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as save and except confessional statement, prima facie, no incriminating material recovered/surfaced as to connect petitioner with the present case and also to involve in illegal trading of prohibited firearms, coupled with the fact petitioner is in custody since 19.02.2022, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 334 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge, 3<sup>rd</sup>,  
Munger/concerned Court, subject to the conditions as  
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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