

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75689 of 2023

Arising Out of PS. Case No.-357 Year-2018 Thana- MUNGER MUFFASIL District- Munger

Md.Murshid @ Md.Murshid Alam @ Surma Son Of Md.Kalim R/O Village-
Muhalla- Bakarpur (DARIAPUR), P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Adv

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 28-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Muffasil P.S.Case No. 357 of 2018 instituted for the offences punishable under Sections 121,379,414, 120B/34 of the Indian Penal Code and section 25(1-A) 25, (1-AA) 25(1-B)A, 26/35 of the Arms Act and section 39 of the U.A.P Act.

3. The prosecution case in short is that the accused persons were illegally involved in the trade of arms and when the informant went for search, huge quantity of arms were recovered from the house of Md. Manzar.

4 Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case. The petitioner



is not named in the FIR. Nothing incriminating article has been recovered from conscious possession of the petitioner. Except suspicion, there is no other material against the petitioner. The petitioner is in custody since 24.11.2022 and he has got seven criminal antecedent. Similarly situated several co-accused persons have already been granted bail by the co-ordinate Bench of this Court.

5. Learned APP opposes the prayer for bail

6. Considering the facts and circumstances of the case and also in my view, petitioner is entitled to grant bail, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S.Case No 357 of 2018, subject to the condition that both the bailors will be close relative of the petitioner with further conditions which are as follows.

(I) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if the petitioner tampers with the evidence or the witnesses of the



case, in the event, prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(Ramesh Chand Malviya, J)

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