

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85205 of 2024

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

Md. Irfan @ Md. Irfan Alam Son of Late Md. Basir @ Kalandar Resident of
Mirzapur Bardah, P.S.- Muffasil, Distt.- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
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 later on added Sections 121, 121A,
124A, 379, 419, 120(B)/34 of the Indian Penal Code and
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 Md. Imran Alam disclosed the name of



petitioner and other who were partner in his illegal deeds.

4. Learned counsel for the petitioner submits that petitioner is in custody since 04.10.2018 which is near about six years. Petitioner bears criminal antecedent of nine cases. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that nothing has been recovered either from possession of the petitioner or from his house. In light of aforesaid facts and circumstances, no offence is made out against the present petitioner. Learned counsel further submits that charge has already been framed but orally submits that no witnesses have been examined as yet and the trial is not likely to be concluded in near future. He further submits that co-accused Md. Manzar has already been granted bail by the co-ordinate Bench of this Court on 15.09.2021 vide Cr. Misc No. 23084 of 2021 and several co-accused have also been granted bail which is annexed as Annexure-P3 series and the case of present petitioner stands on similar footing.

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 which is near about six years, co-accused have already been granted bail, 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 3rd Additional Sessions Judge, Munger, vide S.T Case No.294/2021 arising out of GR No. 2656/2018, 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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