

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72645 of 2024

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

Md. Gulfan @ Gulan @ Md. Gulan @ Gulfam S/o Md. Ejajul Rahman @
Md. Azajul Rahman R/o Mirjapur Bardah, P.S.- Muffasil, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Muffasil P.S. Case No. 357 of 2018 registered for an offence punishable under Sections 121, 379, 414 and 120(B) of the Indian Penal Code, Sections 25(1-A), 25(1-AA), 25(1-B)A, 26 and 35 of the Arms Act and Section 39 of the UAP Act.

3. As per prosecution case the self statement of one Bindeshwari Yadav, Circle Inspector, Munger is to the effect that on 01.10.2018, in the office of the SHO, Munger Police Station, the confessional statement of co-accused Amna Khatoon was taken wherein she had stated that her co-villager Manzar Alam along with her brother-in-law (*Dever*) Lokman



and his wife Aisha Begum are involved in the business of illegal arms. Co-accused Amna Khatoon further stated that Manzar Alam has kept arms in the custody of Lokman and on the basis of such statement, the house of Manzar Alam was raided from where parts of arms were recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He submits that no incriminating article has been recovered from the conscious possession of the petitioner rather all articles have been recovered from possession of co-accused Manjar Alam @ Manjit. He next submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 54250 of 2021. Petitioner is in custody since 20.09.2019.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances as also the fact that similarly situated co-accused has also been granted bail by a Co-ordinate Bench of this Court, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III,



in connection with Muffasil P.S. Case No. 357 of 2018 with following conditions:-

(i) That one of the bailors shall be close relative of the petitioner.

(ii) That the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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