

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51882 of 2015

Arising Out of PS.Case No. -397 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Azad @ Khudiya, S/o Late Md. Matlab R/o Village- Kumaripur,
P.S.- Manihari, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.53003 of 2015

Arising Out of PS.Case No. -397 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. Md. Amir @ Amir S/o Late Imam Resident of village- Rasulpur, P.S.-
Manihari, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51882 of 2015)

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

(In Cr.Misc. No.53003 of 2015)

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Anuj Kr.Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 22-12-2015

Heard both sides.

The petitioners apprehend arrest in connection
with a case registered for the offences punishable under sections
414/34 of the Indian Penal Code and Section 25(1)(b)(a), 26 and
35 of the Arms Act.



The informant alleged that some persons were raising alarm of thief. On such, the informant saw two persons going on a motor cycle and one person was following the motor cycle. Two persons managed to flee away. The person who was on foot was apprehended and he disclosed his name as Raja Khan @ Chhotu. Raja Khan @ Chhotu disclosed that Md. Azad @ Khudiya and Md. Amir managed to flee away after leaving the motor cycle on the spot.

Learned counsel for the petitioners submits that Md. Azad @ Khudiya is the garage owner of Azad Motor Garage. It is submitted that the petitioner Md. Amir is the owner of one motor cycle and another is old one lying in the garage of petitioner Md. Azad. It is further submitted that Md. Amir has got no criminal antecedent and nothing has been recovered from his possession.

Taking into consideration that the police apprehended one person, namely, Raja Khan @ Chhotu who disclosed the names of the petitioners as the persons who fled away after leaving motor cycle on the spot, I am not inclined to grant anticipatory bail to the petitioners in connection with Katihar Town P.S. Case No. 397 of 2015 pending in the court of the learned Chief Judicial Magistrate, Katihar. This application for

anticipatory bail is, accordingly, rejected.

The petitioners, if so advised, may surrender in the court below and pray for regular bail and the learned court below shall consider the prayer for regular bail of the petitioners taking into consideration the fact that the apprehended accused Raja Khan @ Chhotu has already been granted regular bail vide order passed in Criminal Misc. No.47217 of 2015 and disposed of the bail petition of the petitioners preferably on the same day.

(Prabhat Kumar Jha, J)

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