

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3898 of 2017

Arising Out of PS.Case No. -99 Year- 2016 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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Md. Salam Son of Late Md. Zahir, Resident of Rahimabad, P.S.- National Highway Bangra, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 16-02-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with N.H. Bangra P.S. Case No. 99 of 2016 registered for the offences punishable under sections 25 (1-B) A/26/35 of the Arms Act.

Allegedly acting on a tip off that at the house of the petitioner some criminals have assembled to commit crime, raid was conducted at the house of the petitioner and then some persons started fleeing away, but one was caught, who disclosed his name as Mohammad Husnain and he further disclosed the name of the petitioner to succeed in fleeing away. After search,



from the house of the petitioner, two country made pistols were recovered.

Submission is of false implication and that the petitioner has been made accused on the basis of confessional statement of co-accused, nothing has been recovered from the conscious possession of the petitioner and without any basis, he was being searched for arrest and as such, he deserves sympathetic consideration.

The learned A.P.P. opposed the prayer of pre-arrest bail by submitting that from the house of the petitioner, two country made pistols have been recovered and further Mohammad Husnain was also arrested when he was fleeing away from the house of the petitioner.

In the facts and circumstances as stated above, considering the aforesaid allegation, I am not inclined to grant privilege of pre-arrest bail to the petitioner, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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