

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24622 of 2017

Arising Out of PS. Case No.-20 Year-2016 Thana- ISUAPUR District- Saran

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Minku @ Ibrar, Son of Abdul Faruqui, Resident of Village- Isuapur, P.S.-
Isuapur, Distt-Saran, Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. SRI RAJENDRA SINGH SHASTRIJI

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-10-2017

Heard Mr. Mukesh Kumar Singh, learned counsel for the
petitioner and Mr. J.N. Thakur, learned APP.

The petitioner is apprehending his arrest in a case
registered for the offenses punishable under Sections 25(1-B)a,
26 and 35 of the Arms Act.

The prosecution case is that on information that blue cows
(Baze Laphas) are killing, the raid was laid when police seized
two guns when the FIR was lodged against two persons namely
the petitioner, Minku @ Ibrar and one Jubair Ansari, who threw
their guns and escaped from the scene. Both the arms were
found to be licensed ones. The one seized gun was of Jubair



Ansari, who has been granted anticipatory bail by the learned court below itself by the impugned order, but the anticipatory bail application of the petitioner was rejected since the licence of another gun was in the name of his father.

It is further submitted that the gun was not seized from the field, rather it was seized from the house of the petitioner and this is not in dispute that his father Abdul Faruqui has the licence for the seized gun. This is also not in dispute that the informant has neither found any blue cow being killed nor any proof with regard to use of the seized gun. A statement has been made in paragraph no.3 that the petitioner has no criminal antecedent.

Mr. J.N. Thakur, learned APP, after going through the case diary, submits that the gun has been seized from the petitioner, whereas his father is the licensee of the same.

Considering the nature of accusation, there is nothing on record to suggest that the seized gun, having valid licence, was used and the fact that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like



amount each to the satisfaction of learned ACJM-V, Saran,
Chapra in connection with Isuapur P.S. Case No. 20 of 2016,
subject to the condition under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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