

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52304 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -DANDARI District- BEGUSARAI

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Md. Niyaz, son of Md. Ilyas, resident of Village- Sisauni, P.S.- Dandari,
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 09-11-2017 It is submitted that petitioner no.1 has been arrested

and as such his prayer for pre-arrest bail has become infructuous.

Prayer has been made to permit to withdraw the prayer for pre-
arrest bail of petitioner no.1.

Accordingly, the prayer for pre-arrest bail of petitioner
no.1 is dismissed as withdrawn.

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 Dandari P.S. Case No. 45
of 2017 for the offences punishable under section 307/34 of the
I.P.C and sections 25 (1-b) A, 26, 27 and 35 of the Arms Act.

Allegedly, Md. Firoz and the petitioner Md. Niyaz
came at the house of the informant, started abusing and Md. Firoz



opened fire and both started assaulting, thereafter nearby persons assembled and snatched pistol from the hand of Md. Firoz but he succeeded in fleeing away, thereafter again both came with another pistol and opened firing then the police was informed.

Submission is of false implication and that against the petitioner Niyaz there is no specific allegation, he was not having firearm, specific allegation is against Md. Firoz and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner.

In the facts and circumstances stated above, considering that against the petitioner there is no specific allegation and as such the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall 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 A.C.J.M, Begusarai in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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