

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57736 of 2018

Arising Out of PS. Case No.-36 Year-2018 Thana- BAHERI District- Darbhanga

Jibendra Kumar Singh @ Azad Singh, S/o Bimal Prasad Singh, resident of
Village- Dohat Narayan, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-12-2018 Heard the learned counsel for the petitioner and
the State.

The petitioner seeks bail in anticipation of his arrest in connection with Baheri P.S. Case No. 36 of 2018 dated 08.03.2018 instituted for the offences under Sections 25(1-b)a/26/35 of the Arms Act.

During the investigation of Bahadurpur P.S. Case No. 48 of 2018 instituted for the offences under Sections 302, 201 and 34 of the IPC, some of the suspects were arrested and on their confession, a loaded country made weapon/pistol was recovered from the house of one Abhishek Singh. The two suspected accused persons viz. Abhishek Singh and Sunil Kumar again made a statement that the weapon which was recovered from the house of Abhishek Singh actually



belonged to the petitioner and was given to the accused persons. A motorcycle also is said to have been recovered from the house of the petitioner which is stated to have been used in the commission of murder.

Mr. Rajesh Kumar, learned counsel appearing for the petitioner however has stated that for the aforesaid facts, the petitioner was made accused in Bahadurpur P.S. Case No. 48 of 2018 which has been registered for the offences under Sections 302, 201 and 34 of the IPC. In the aforesaid case, the petitioner has been granted anticipatory bail by a bench of this Court on 29.08.2018 passed in Cr. Misc. No. 47241 of 2018 and the same has been annexed along with the present petition.

Learned counsel for the petitioner has further submitted that there is no evidence whatsoever of the petitioner being the owner of either the country made weapon which has been recovered from the house of Abhishek Singh and the motorcycle which was recovered from his house was ever used in the commission of crime. Since the petitioner was granted anticipatory bail in the case registered under Section 302, it has been argued that there is no reason why anticipatory bail should be denied to him when in the present case also the accusation is only on the basis of confession of co-



accused persons.

For the aforesaid facts as also taking into account that apart from Section 302 case referred to above, the petitioner has not been made accused in any case up till now, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Baheri P.S. Case No. 36 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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