

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45156 of 2018

Arising Out of PS.Case No. -351 Year- 2017 Thana -AJAMNAGAR

District- KATIHAR

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Sanowar, S/o Hasnain, R/o Vill.- Aranda, P.S.- Azamnagar,
District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 31-10-2018

The petitioner seeks bail in anticipation of his arrest in connection with Azamnagar P.S. Case No. 351 of 2017, dated 28.10.2017, instituted for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

It has been alleged by the informant that while he along with his father was coming back from the local



cattle market after selling cattle, he and his father were waylaid by six accused persons riding on two motorcycles. The father of the informant was shot at and the money which the informant and his father were carrying in their possession was taken away. However, three of the miscreants could be apprehended by the villagers. When further information was solicited from arrested accused persons, it was only told that one of the arrested accused persons, viz., Md. Saddam would only be in a position to tell the name of the other associates. On the basis of the aforesaid *Fradbeyan* statement, the subject F.I.R. was lodged against three of the accused persons and others.

The learned counsel appearing on behalf of the petitioner has submitted that the petitioner has not been named in the F.I.R. His name transpired only when the injured/father of the informant tried to know from somebody in the cattle market about the occurrence. The father of the informant was told that the petitioner also was seen in the cattle market along with the arrested accused persons.

The learned counsel for the petitioner submits this is the only basis for arriving at the conclusion, *prima facie*, that the petitioner was one of the associates of the three arrested accused persons in this case. It has further



been submitted that the petitioner himself is a cattle broker and he admits of his presence in the cattle market. In this connection, it has been urged that even if the petitioner was seen in the cattle market, it would not be in fitness of things to frame him in the present case only on that score.

The petitioner does not have any criminal antecedent.

Regard being had to the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Azamnagar P.S. Case No. 351 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that the petitioner shall participate in the investigation and in case he is sent up for trial, he shall participate in the trial as well. Any attempt of the petitioner to shy away from the



investigating agency or his showing any kind of non-cooperation, would entitle the informant or the Investigating Officer to proceed for cancellation of his anticipatory bail.

(Ashutosh Kumar, J)

Praveen-II/-

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