

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21212 of 2018

Arising Out of PS. Case No.-392 Year-2017 Thana- BIHARSHARIF District- Nalanda

Md. Nehal, Son of Md. Jamal, Resident of Village/Mohalla - Chainpura, P.S. - Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 399/402/414 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of the Arms Act.

The prosecution case got initiated with the self-statement of Inspector of Police, S.H.O., Bihar Police Station, District-Nalanda, on 13.07.2017, at 9.30 A.M, to the effect that on secret information that certain persons are preparing to commit dacoity, a raid was laid when 6-7 persons were escaped from the scene, but one person was apprehended, who disclosed his name as Md. Rais. From the waist of Md. Rais, one country made pistol, loaded with live cartridge was recovered and one loaded



country made pistol was found on the ground. The apprehended accused Md. Rais directed that the recovered country made pistol from his possession belongs to Md. Chhotu and the recovered country made pistol from the ground is of Md. Seraj. The apprehended accused further disclosed the name of seven other accused persons, including the petitioner.

It is submitted by learned counsel for the petitioner that admittedly neither any recovery has been made from the petitioner, nor the petitioner was apprehended from the spot. The name of the petitioner subsequently sprang up on the confession of apprehended accused. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner was suggested by the apprehended co-accused.

Considering the fact that name of the petitioner sprang up in the confessional statement of co-accused before the police, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No.392 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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