

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21658 of 2018

Arising Out of PS.Case No. -15 Year- 2017 Thana -ARARIA District- ARRARIA

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Md. Mithu @ Mittghu, S/o Ishtiyaque, R/o Village- Mahsaily, P.S.- Bousi,
District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Naushad Uzzoha, Advocate.

For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 14-05-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Araria (Bairgachhi) P.S. Case No. 15 of 2017** instituted for the offence under Sections 399, 402 of the Indian Penal Code and Sections 25(1-b) a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner has submitted that petitioner has not been arrested on the spot. The name of this petitioner has been disclosed by co-accused Masoom Raza who has been arrested on the spot.

In the written report it is alleged that Police arrested three miscreants out of which, one co-accused Masoom Raza confessed his guilt and named other co-accused persons including this petitioner.

The Additional Sessions Judge has mentioned in the impugned order about confessional statement of co-accused Masoom



Raza which is available in paragraph-8 of the case diary.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Araria (Bairgachhi) P.S. Case No. 15 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Araria**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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