

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75239 of 2018

Arising Out of PS. Case No.-202 Year-2018 Thana- DHANARUA District- Patna

Awadhesh Bind Son of Shival Bind Resident of Village- Radda Hazrat Sain,
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Sri Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Dhanarua P. S. Case No. 202 of 2018 registered for the offences punishable under Sections 25(1-B)A, 26/35 of the Arms Act.

As per the allegation, the Police surrounded three persons but two of them managed to escape and one was apprehended who disclosed his name as Anil Yadav @ Anil Tiger. From his possession the Police recovered one pistol and four live cartridges.

Learned counsel representing the petitioner submits that no illegal arms and ammunition has been recovered from possession of this petitioner. It is submitted that his name has



transpired in the confessional statement of the co-accused apprehended by the Police.

Mr. B. N. Pandey, learned APP has opposed the prayer of anticipatory bail of the petitioner and has pointed out that from the impugned order of the learned Additional Sessions Judge VIII, Patna passed in A.B.P. No. 5719 of 2018 it appears that the petitioner has got rich criminal antecedent vide paragraph 51 of the case diary.

At this stage, learned counsel representing the petitioner submits that so far as this petitioner is concerned, he has made statement in paragraph 3 of the application that the petitioner has no criminal antecedent. According to learned counsel, the statement with regard to paragraph 51 of the case diary in the impugned order as regards the alleged criminal antecedents pertains to the co-accused Anil Yadav @ Anil Tiger.

In the given facts and circumstances, this Court would direct the petitioner to surrender in the court below within a period of four weeks from today and on his surrendering, the learned court below shall examine the actual fact as to whether there is any description of the criminal antecedent of this petitioner in paragraph 51 of the case diary. If it is found that the petitioner has no criminal antecedent and the statement made



vide paragraph 51 of the case diary as recorded in the impugned order is not in respect of this petitioner, he will be enlarged on bail on the same day on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi, Patna in connection with Dhanarua P. S. Case No. 202 of 2018, subject to the condition that the petitioner shall join the investigation by reporting to the Investigating officer within a period of three weeks from today and shall cooperate in course of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

However, in case the petitioner has got criminal antecedent, the court below shall consider the prayer for regular bail of the petitioner on its own merit and on the basis of the materials available on the record.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

