

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19970 of 2019

Arising Out of PS. Case No.-758 Year-2018 Thana- SHEKHPURA District- Sheikhpura

1. Sanjay Kumar @ Sanjay Saw S/o- Ramdas Saw Resident of Village- Pachna, P.S.- Sheikhpura, District- Sheikhpura.
2. Sonu Kumar @ Sonu Saw S/o- Sanjay Kumar @ Sanjay Saw Resident of Village- Pachna, P.S.- Sheikhpura, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2019 Counsel for the petitioners seeks permission of the Court to withdraw this application with respect to petitioner no. 1 as he has been taken into judicial custody and as such the application has become infructuous.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 25(1-b), 26 and 35 of the Arms Act.



The prosecution case, in short, is that during search conducted by the informant, a country made rifal with cartridge was recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. The name of the petitioner no. 2 has transpired on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner no. 2 in this case. There is no recovery of arms from the possession of the petitioner no. 2. The alleged arms is said to have been recovered from the possession of co-accused Dhuri Yadav.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned learned Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No. 758 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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