

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23615 of 2019**

Arising Out of P.S. Case No.-800 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Dilshad Alam, aged about 24 years, Gender- Male, Son of Jikrullah Ansari,
Resident of Village- Narirgir (Nazirgir), P.S.- Ramgadhwa, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-07-2019

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

2. The petitioner apprehends arrest in connection with
Motihari Town PS Case No. 800 of 2018 dated 14.11.2018
instituted under Sections 399, 402 and 120B of the Indian Penal
Code and 25(1-b)a, 26 and 35 of the Arms Act.

3. The petitioner along with five others is said to have
been preparing to commit an offence. Two co-accused, who were
arrested along with illegal firearms and ammunition have taken the
name of the petitioner and three others who are said to have run
away from the spot when the police had caught the said two co-
accused.



4. Learned counsel for the petitioner submitted that he has no criminal antecedent and neither anything has been recovered from his house nor there is any corroborating evidence to show that he was also part of the gang or had planned to commit any offence. It was submitted that only on the confessional statement of co-accused Arun Kumar Gupta @ Arun Tyagi, he has been made an accused.

5. Learned APP, upon going through the case diary, could not controvert the fact that there has not been any recovery from the house of the petitioner and further that except for the confessional statement no other incriminating material has come against him.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in Motihari Town PS Case No. 800 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.



7. One of the bailors shall be the close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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