

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42376 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- MUNGER MUFFASIL District- Munger

MD. KAMAL @ GUDBI Son of Late Md. Fakhruddin Resident of Village -
Mirzapur Bardah, P.S.- Muffasil, P.O.- Dariyapur, Distt - Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Mufassil Police Station Case No. 34 of 2019, disclosing offences under Sections 25 (1-A), 25 (1-AA), 25 (1-B)A, 26 and 35 of the Arms Act.

The allegation against the petitioner is that the police intercepted one motorcycle, belonging to Md. Tausif @ Rinku, and recovered seven country made pistols and seven magazines from the dicky of the seized motorcycle. It has been alleged that the petitioner fled away upon arrival of the police and his name has been disclosed by co-accused, who was arrested along with the illegal fire arms.

Learned Counsel for the petitioner submits that the



petitioner is innocent and has got no criminal antecedent. He has falsely been implicated at the behest of co-accused due to some rivalry. He further submits that the motorcycle from where illegal arms were recovered, does not belong to the petitioner and from the seizure list, it is evident that the same belong to Md. Tausif, who was arrested by the police along with the illegal fire arm.

After having heard learned Counsel for the parties and taking into consideration the fact that no recovery of fire arm has been made from the possession of the petitioner and further the motorcycle, from where illegal arms were recovered, does not belong to the petitioner and the petitioner has got no criminal antecedent, this application is allowed.

Let the petitioner, Md. Kamal @ Gudbi, in the event of his arrest or surrender before the Court below within four weeks, be released on 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, Munger, in connection with Mufassil Police Station Case No. 34 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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