

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.51476 of 2019

Arising Out of PS. Case No.-122 Year-2016 Thana- ISLAMPUR District- Nalanda

MD. MAHFOOZ ALAM @ MD. MAHFOOZ Son of Abdul Samad Resident
of Village - Kapasiya, P.S.- Islampur, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Pd. Singh, Sr. Advocate
Mr. Bimal Kumar No. 2
For the Opposite Party/s : Mr. Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 19-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Islampur P.S. Case No. 122 of 2016 (G.R. No. 934 of 2016), disclosing the offence under Section 307 and other allied Sections of the Indian Penal Code and Sections 25(1-b)a, 26, 27 of the Arms Act.

It is alleged that the persons named in the FIR were armed with weapon and they had attempted to catch hold of the informant. When the informant raised alarm, nearby people rushed. Allegedly, the petitioner had opened fire which did not hit anyone. The local people are said to have overpowered the accused persons and they snatched the revolver which the



petitioner was allegedly carrying. It is also alleged in the FIR that the named accused persons have connections with MCC.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that the accusation is absolutely false and malicious, petitioner has no criminal antecedent and the story of alleged recovery of fire-arm is unbelievable and uncorroborated.

Considering the nature of allegation and keeping in mind the fact that the petitioner has no criminal antecedent, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional Chief Judicial Magistrate-3, Nalanda, Bihar Sharif, in Islampur P.S. Case No. 122 of 2016, G.R. No. 934 of 2016, subject to the condition as 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



bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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