

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53285 of 2019

Arising Out of PS. Case No.-424 Year-2019 Thana- FORBESGANJ District- Araria

MD. RAIES @ RAIESUDDIN Son of Isuf @ Md. Isuf @ Md. Yusuf
Resident of Village - Haripur, Police Station - Forbesganj, Distt - Araria.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Forbesganj Police Station Case No. 424 of 2019, disclosing offences under Sections 399 and 402 of the Indian Penal Code and Sections 25 (1-B)A and 26 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the police, upon secret information that the petitioner, along with others, was planning to commit offence, raided the house of one Shivratan Das and recovered a huge cache of arms and ammunition from the house of Shivratan Das. It has further been alleged that other accused persons fled away from the place of occurrence after throwing a bag in the maize field and from search of the said bag, the police recovered four pistol with magazine, two country-made pistols,



19 live cartridges and other materials for preparing bomb. It has further been alleged that the houses of other co-accused, along with the petitioner, was searched by the police, but they were found absconding from their houses. The name of this petitioner has been disclosed by the arrested co-accused Shivratan Das, in his confessional statement.

Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case at the behest of the co-accused Shivratan Das, who was arrested by the police along with illegal arms and ammunition. He further submits that the name of the petitioner has been disclosed by the co-accused with oblique motive inasmuch as earlier, the said Shivratan Das had lodged First Information Report against the petitioner, being Forbesganj Police Station Case No. 295 of 2018 with the allegation that the petitioner abducted the wife of Shivratan Das. He further submits that in that case, the wife of Shivratan Das did not disclose anything against the petitioner in her statement under Section 164 of the Code of Criminal Procedure, 1973. He also submits that upon search of his house, no incriminating material was found by the police.

After having heard learned Counsel for the parties and



taking into consideration the fact that no incriminating material has been recovered from the house of the petitioner and further the name of the petitioner has been disclosed by co-accused in his confessional statement, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Md. Raies @ Raiesuddin, 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, Araria, in connection with Forbesganj Police Station Case No. 424 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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