

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77550 of 2019

Arising Out of PS. Case No.-561 Year-2019 Thana- DANAPUR District- Patna

MD. ANWAR HUSSAIN S/o Md. Manauwar Hussain R/o Mohalla-
Khalipura, P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Ehteshamuddin
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Danapur P.S. Case No. 561 of 2019 (Sessions Tr. No. 1009 of 2019) registered under Sections 302, 120(B), 224, 353, 307, 414/34 of the Indian Penal Code and Section 25(1-b)a/26 and 35 of the Arms Act, pending in the court of learned Additional Sessions Judge – II, Danapur (Patna).

Learned counsel for the petitioner submits that the name of this petitioner has transpired as one of the persons involved in hatching conspiracy, nothing incriminating has been recovered from the physical possession of the petitioner, however petitioner has got no criminal antecedent.



Learned A.P.P. for the State has opposed the prayer for bail and has submitted that the petitioner has actively participated in hatching conspiracy to facilitate the accused Miraj in fleeing away from police custody and had arrange ammunition and motorcycle through his acquaintance.

Considering the facts and circumstances of the case where the name of this petitioner has transpired as one of the persons fully involved in hatching conspiracy to help the co-accused Miraj fleeing away from the custody of police during his production in the trial court, and on perusal of the case diary, learned A.P.P. for the State has read out the confessional statement of the co-accused Miraj and the statement of his wife Reshma in which it has come that Miraj had asked his wife Reshma to contact this petitioner who is working as Clerk in the Court and was said to be very helpful and then the wife of Miraj had contacted the petitioner and the petitioner had undertaken to arrange the motorcycle and the cartridges through his client namely Vijay Kumar and Ravi @ Jitendra and then the Miraj has also stated in his confessional statement that the another co-accused Manowar with whom his arms i.e. pistol



was lying had got the cartridge from Jitendra which were handed over to Miraj and the pistol was made available by another co-accused Gautam and with this conspiracy he had attempted to flee away and in the process killed one Constable, Finding that the petitioner has been said to be actively involved in hatching the conspiracy which led to the death of a Constable on duty, this court is not inclined to grant regular bail to the petitioner.

The application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

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