

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7590 of 2020

Arising Out of PS. Case No.-446 Year-2019 Thana- KOTWALI District- Munger

Md. Tabrej, Son of Md. Jamil Uddin, Resident of Village - Banaudha, P.S.-
Mufassil, District- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uttam Kumar Mishra, Adv.
Mr.Santosh Kumar Sinha 2, Adv.
Mr. Divya Jyoti, Adv.
For the Opposite Party/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail in connection with Kotwali P.S. Case No.446 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26(i)(ii)/35 of the Arms Act.

Learned counsel for the petitioner submits that as per the FIR when the S.I. of police conducted a raid in the house of co-accused Shantanu, he arrested three persons there and from the possession of those persons country made pistol with live cartridges were recovered. They disclosed that those arms were used earlier in the murder case of Shadipur and they disclosed that rest of the arms and ammunitions have been left with their



friend Tabrej (the petitioner and co-accused Danish). Thereafter the police party raided the house of Danish and allegedly recovered some arms and ammunitions.

Learned counsel submits that so far as this petitioner is concerned, nothing has been recovered from his house and this petitioner is a student having no criminal antecedent, it is submitted that save and except the mention of name of the petitioner to the mouth of co-accused, police has not collected any material against him.

Learned APP for the State is present, though opposed the prayer for anticipatory bail of the petitioner but at the same time accepts the position that in the FIR there is no allegation that any incriminating arms and ammunitions have been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case where nothing has been recovered from the possession of the petitioner and/or from the house and save and except the fact that his name has transpired in the statement of the apprehended accused, the petitioner is said to be a student having no criminal antecedent, let the petitioner abovenamed in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/-



(fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger in connection with Kotwali P.S. Case No.446 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

