

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24805 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- NARPATGANJ District- Araria

Md. Tahir Son of Late Jhauli Baitha Resident of - Shyam Nagar Baitha Tola,
Ward No. 13, P.S. - Narpatganj (Bathnaha), Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.
For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 23-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Narpatganj Bathnaha P.S. Case No.95 of 2020, registered under sections 25(1-B)(a) and 26 of the Arms Act.

As per allegation in the F.I.R. on the statement of Md. Tahir, the petitioner herein Narpatganj Bathnaha P.S. Case No.347 of 2019 was registered besides other sections also under the Arms Act. Illegal weapon was also seized. It is further submitted in the F.I.R. that in course of investigation of the F.I.R./case lodged by Md. Tahir, although the allegations were found to be true, however, so far as the case under the Arms Act is concerned, was found to be false and it appeared that the arms



had been planted. It appears that as a result of land dispute a false case under the Arms Act had been registered. Hence the F.I.R. against the petitioner under the Arms Act.

It is submitted by learned counsel for the petitioner that from the F.I.R. itself it is evident that the case lodged by the petitioner was found to be true. Even in case the investigating authority was under the opinion that the petitioner was to be proceeded against for lodging a false case, they could have proceeded under sections 182 and 211 of the Indian Penal Code and not in the present manner. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Narpatganj Bathnaha P.S. Case No.95 of 2020, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief



Judicial Magistrate, Araria, subject to the conditions as laid
down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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