

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27504 of 2020

Arising Out of PS. Case No.-36 Year-2019 Thana- MATIYARIA District- West Champaran

ABDUL QUADIR @ ABDUL KADIR S/O Late Sk. Umar R/O Village -
Langada, P.S. - Shikarpur, District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-02-2021 Heard learned counsel for the petitioner and Mr.
Ram Naresh Ray, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Matiariya P.S. Case No. 36 of 2019 registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioner submits that as per the First Information Report when the police party intercepted the miscreants who were allegedly involved in sale and purchase of arms, the police party arrested two person and from their possession one country-made pistol was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR and nothing has been recovered from his possession.



Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case in which it appears that the present case has its origin in Shikarpur P.S. Case No. 370 of 2019 in which he has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court, the recovery of country-made pistol and four cartridges were made at the instance of co-accused Seikh Mubarak and in Shikarpur P.S. Case No. 370 of 2019 which relates to the recovery of the said firearm, the petitioner has already been granted privilege of anticipatory bail, let in case of his arrest or surrender petitioner above-named within a period of four weeks from today in connection with Matariya P.S. Case No. 36 of 2019 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bettiah, West Champaran, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

