

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28759 of 2020

Arising Out of PS. Case No.-315 Year-2020 Thana- KANKARBAG District- Patna

MD. SONU Son of Md. Nisar Resident of Mohalla - Shahganj, Mahendru,
P.S.- Sultanganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-01-2021 Heard the learned counsel for the petitioner and Shri
Ashok Kumar, the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kankarbagh P.S. Case No. 315 of 2020 for the offence registered under Sections 454, 380, 511, 414, 34 of the Indian Penal Code and Sections 25(1-b)a and 26 of the Arms Act.

The allegation is regarding unknown miscreants having tried to commit theft in the flat in question, however, upon seeing the informant they started fleeing away, whereafter the police was informed and upon arrival of the police, the bag hanging on the scooty was searched and a revolver and six cartridges were recovered. The scooty is stated to be belonging to the petitioner herein.

The learned counsel for the petitioner has submitted



that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is a shop keeper at Sabjibag and the scooty was being used by his employee for collection of money, hence the petitioner has got nothing to do with the alleged recovery of pistol and cartridges. Lastly, the learned counsel for the petitioner has submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that at the time when the illicit arm and cartridges were recovered by the police from the bag hanging on the handle of the scooty, the petitioner was not present on the spot and moreover considering the fact that he is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his



arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Kankarbagh P.S. Case No. 315 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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