

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37896 of 2020

Arising Out of PS. Case No.-58 Year-2019 Thana- PURUSHOTTAMPUR District- West
Champaran

MD. SHAHZAD @ SHAHJAD MIYA Son of Md. Ramtullah Miyan
Resident of Khamiyah, P.S.- Inarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. B. N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-07-2021 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Purushottampur PS Case No. 58/2019 registered under Section 25(1-b)a, 26 and 35 of the Arms Act.

The informant, a police officer, disclosed that while he and others were on patrolling duty, six persons tried to flee away after seeing the police. On chase, two persons, namely, Uday Kumar and Biru Kumar were arrested and from their possession arms and ammunition were recovered. Uday Kumar and Biru Kumar disclosed the name of Md. Saddam, Md. Sahzad, petitioner, Munna Alam and Masum as the persons who managed to flee away.

The learned counsel for the petitioner submits that petitioner has solemnized love marriage with niece of Saddam, co-accused, and at his instance he is made accused in Purushottampur PS case No. 53/2019 registered u/s 392 of the



IPC. It is further submitted that at the instance of Uday Kumar and Biru Kumar, friends of Saddam, the petitioner has been made accused in the present case but it appears that Uday Kumar and Biru Kumar have got no connection with Saddam and the petitioner has got criminal antecedent.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below the learned court below shall consider the prayer for regular bail of the petitioner on merits and also taking into consideration the fact that Biru Kumar has already been granted regular bail and Munna Alam has been granted anticipatory bail and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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