

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12254 of 2022

Arising Out of PS. Case No.-786 Year-2021 Thana- MADHEPURA District- Madhepura

GAJENDAR KUMAR Son of Late Harilal Yadav Resident of Village - Bhan
Ward no.6, P.S.- and Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Madhepura P.S. Case No.786 of 2021, registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the occurrence took place on 17.06.2021, but the FIR was lodged on 06.10.2021 after delay of more than 3½ months without giving any plausible explanation for the said delay which creates serious doubt about the prosecution case. It is further submitted that no incriminating article has been recovered from the conscious



possession of the petitioner. The petitioner is only a witness of the seizure list. It is submitted that the case in which the petitioner was made seizure list witness was found false, therefore, the petitioner is made accused in the present case. It is lastly submitted that the petitioner has got no criminal antecedent.

The learned APP opposed the prayer for anticipatory bail of the petitioner.

Considering the fact that there is delay in lodging the FIR and the petitioner has got no criminal antecedent, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No.786 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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