

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18059 of 2022**

Arising Out of PS. Case No.-113 Year-2021 Thana- MUSAHARI District- Muzaffarpur

DILIP KUMAR @ DILIP SAHANI @ TIKKI WALA S/o Kishor Sahni
Resident of Village- Chaturi Punas, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 26-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402 and 34 of the Indian Penal Code read with Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on a secret information, he reached at the place of occurrence and apprehended three named accused persons from whose possession arms, cartridges and narcotics as detailed in the FIR were recovered and the petitioner managed to escape, it is next alleged that Md. Abrar Warshi and the apprehended



accused disclosed the name of the petitioner and Badal Sahani as accused who fled on seeing police.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that the name of the petitioner transpired in the confessional statement of co-accused which *per se* does not have any evidentiary value. Learned counsel at the cost of repetition submits that the petitioner is a person with clean antecedent and it absolutely does not stand to reason that a person with clean antecedent would be in company of criminals, it is also submitted that it was Birendra who was his neighbor earlier and a co-villager has falsely implicated him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the investigation is still going on and the case is under the Arms Act.

Considering the submissions made by the learned counsel for the petitioner, the 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 released on anticipatory bail on furnishing bail bonds of Rs. 25,000/-



(Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mushahari P.S. Case No. 113 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. with a further condition that one of the bailors of the petitioner shall be his father, Kishor Sahni

Further, if the police after investigation submits charge-sheet connecting the petitioner with the offence, then the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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