

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32920 of 2022

Arising Out of PS. Case No.-796 Year-2021 Thana- FORBESGANJ District- Araria

MD AASIF @ MD ASIF REZA SON OF ABDUL RAHMAN @ ABDUR
RAHMAN RESIDENT OF VILLAGE- BUDHESHWARI RAMPUR , P.S-
BAIRGACHHI (O.P) DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-11-2022 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, 400 and 402 of the Indian Penal Code and Sections 25 (a), (1-a), (1-b), ab, 26(1) (2) and Section 35 of the Arms Act.

The informant alleges that Mohammad Maj and Mohammad Kadir were arrested while other accused persons fled away, further they disclosed the name of petitioner and other accused persons who managed to escape on seeing the police, it is next alleged that from possession of the arrested accused arms and cartridges were recovered as detailed in the F.I.R along with motorcycle.



Learned counsel for the petitioner submits that petitioner has antecedent of three cases and was not arrested from the spot as such nothing was recovered from his conscious possession, it is further submitted that his name transpired in the confessional statement of apprehended accused in police custody which does not have any evidentiary value. Learned counsel next submits that he came to be implicated because of his antecedents.

Learned APP opposes the bail application and submits that the petitioner has antecedent of three cases and it may be a possibility that after getting anticipatory bail the petitioner may not cooperate in the investigation.

Learned counsel for the petitioner rebuts the submission and submits that petitioner will cooperate in the investigation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court 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 trial court where the case is pending/successor court in connection with Forbesganj P.S. Case No. 796 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Abdul Rahman.

Further, the petitioner will keep marking his attendance in the concerned police station in between 15-20 of every month commencing from December 2022 till the charge-sheet is not submitted, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner in between the aforesaid date in any of the month has not marked his attendance or has not cooperated in the investigation, the learned trial Court shall forthwith cancel his bail bonds after recording reason and giving him an opportunity of hearing.

(Satyavrat Verma, J)

GauravSinha/-

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