

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29623 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- KANTI District- Muzaffarpur

Md. Anwar @ Mithoo, Son Of Md. Jalauddin, Resident Of Saraiya, Moti Chowk, P.S- Saraiya , Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kanti P.S. Case No. 99 of 2022 registered for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioner and other co-accused persons riding on two motorcycles were asked to stop by the police and they tried to run away from there. Out of five persons, who tried to escape, two of them were apprehended



after chase and one of the apprehended persons is this petitioner. They disclosed that they were assembled there for the purpose of committing dacoity/loot in trucks and buses. From the co-accused Raja Kumar, a loaded country made pistol with one live cartridge and a mobile phone were recovered. From this petitioner, 540 ml India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. Moreover, the quantity of allegedly recovered liquor is much less which shows it might have been kept for private consumption of the petitioner. There is no legal evidence collected during investigation to implicate this petitioner. No copy of seizure list was handed over to the petitioner and there is complete non-compliance of Section 100 of Cr.P.C. Charge-sheet has been submitted in this case and the petitioner is in custody since 16.02.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-



sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge (Excise) Court No-II, Muzaffarpur, in connection with Kanti P.S. Case No. 99 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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