

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38812 of 2022

Arising Out of PS. Case No.-98 Year-2021 Thana- AURAI District- Muzaffarpur

ATTAHULLA @ RAJA @ ATAULLAH Son of Nisharul Sheikh @ Md.
Nishar Resident of Village - Mirjapur, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Aurai P.S. Case no. 98 of 2021 instituted for the offence under Sections 399, 402 of the Indian Penal Code, Section 25(1-b)a, 26 of the Arms Act and Section 20, 22 of N.D.P.S. Act.

The prosecution case as per FIR is that the informant received a secret information that 20-22 miscreants are planning to commit some offence. The informant along with other police personnel came and raided the place. The accused persons managed to flee away but one of them namely, Raja Kumar was apprehended from whom a country made pistol and a live cartridge along with 5.2 kg ganja like substance were recovered.



He disclosed the name of the petitioner as one of his associates.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The name of the petitioner has been sprang up in this only on the basis of confessional statement of the co-accused and he has not concerned with the seized contraband. Petitioner was neither apprehend on spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is further submitted that similarly situated co-accused namely, Saroj Sah has been already granted bail by this court vide order dated 26.072022 in Cr. Misc. No. 1367 of 2022.

Learned APP appearing for the state has opposed the prayer of anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Aurai P.S. Case no. 98 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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