

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7787 of 2023

Arising Out of PS. Case No.-59 Year-2017 Thana- SONPUR RAIL P.S. District- Saran

MD. MUNNA @ MD. MANOBHAR @ MD. MANOBBAR S/o Md.
Mustakim @ Md. Mostkeem R/o Village- Saidpur, P.S.- Matihani, Distt-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Sonapur (Hajipur) Rail P.S. Case No.59 of 2017, registered for offences under Section 393 of the IPC and Section 25(1-b)a/26/35 of the Arms Act.

The allegation is regarding the accused persons including the petitioner herein having hired the car in question, which was being driven by the informant on the alleged date and time of the occurrence and when the informant had asked them for their mobile number and had tried to take



their photographs, they started assaulting him, but upon the informant raising an alarm, people from nearby place had arrived there and caught two persons while the petitioner had managed to flee away and then, they had assaulted the said two apprehended persons. Upon search, one countrymade pistol and two cartridges were recovered from the possession of the apprehended two persons and it is alleged that they were hatching plan to commit loot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner has been alleged to have committed any crime nor any arms have been recovered from the petitioner nor any incriminating articles have been recovered from his house, thus he is not having any complicity in the matter.

Per contra, the learned APP for the State



has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither the petitioner has been apprehended from the spot nor any arms has been recovered from his possession nor he has been alleged to have engaged in any sort of crime, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur (Saran) in connection with Sonapur (Hajipur) Rail P.S. Case No.59 of 2017,



subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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