

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52878 of 2022

Arising Out of PS. Case No.-88 Year-2004 Thana- NAYA RAM NAGAR District- Munger

SITA RAM BIND @ CHHITNA @ CHITRANJAN BIND @ SITRNA BIND
Son of Bano Bind Resident of Village - Shamho Sarlahi, P.S.- Shamho, Distt.-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 17-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection with Naya Ram Nagar P. S. Case No. 88 of 2004 registered for the offences punishable under Sections 25(1-A)/ 25 (1-AA)/ 25(1-B)ac/26(1)(2)(3)/35 of the Arms Act.

As per the prosecution case, on a secret information, the police reached Barara Pahar. On seeing the police, the accused persons, who were manufacturing the arms, fled away from there. However, three miscreants was identified by the



police personnel as Gopal Bind, Niranjana Bind and Sita Ram Bind @ Chhitna @ Chitranjan Bind @ Sitrana Bind (the petitioner). It is further alleged that the police also recovered huge quantity of tools and equipment used in manufacturing of arms from the place of occurrence.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such occurrence as alleged has ever taken place. It is evident from the F.I.R. that nothing has been recovered from the conscious possession of the petitioner. The petitioner was not present at the spot. The name of the petitioner has been dragged in this case only mere village politics. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner and submitted that the petitioner was identified by the police, though he succeeded in fleeing away from the place of occurrence. From perusal of the record, it appears that this is a case of the year 2004 and process under Section 82 and 83 has been issued against this petitioner. He further submitted that the petitioner has already been declared absconder by the learned court below.

In view of the aforesaid facts and circumstance, the



anticipatory bail application is not maintainable. Accordingly, the bail application is disposed of with a direction to the petitioner to surrender before the Court below concerned within six weeks form the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail in accordance with law without being prejudiced by this court.

(Chandra Prakash Singh, J)

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