

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58185 of 2023

Arising Out of PS. Case No.-20 Year-2010 Thana- BALUA BAZAR District- Supaul

MD. AQUEEL ANWAR @ AKIL ANWAR @ MURTI AKIL ANWAR @
MD. AKIL ANWAR @ AKIL AHMAD Son of Md. Murshid Alam Resident
of Village-Chalhaniya, P.O.-Baghnagar, P.S.-Mahamganj, District-Araria-
854325

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashish Giri, Advocate Ms. Riya Giri, Adovocate Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Satyendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-09-2023 Heard learned counsel for the parties.

2. This application for anticipatory bail arises out of Balua Bazar P.S. Case No.20/2020, disclosing the offence punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

3. Earlier, the petitioner's prayer for anticipatory bail was rejected by an order dated 12.07.2017 passed in Cr. Miscellaneous No. 30676 of 2017, taking into account the Supreme Court's decision in case of *Jai Prakash Singh v. State of Bihar*, reported in (2012) 4 SCC 379. It has been pointed out that subsequent to passing of the said order dated 12.07.2017, the CID had submitted final report and the petitioner had not



been sent up for trial in the absence of any evidence collected during the course of investigation. However, differing with the final report submitted by the investigating agency, the learned Chief Judicial Magistrate 1st class has taken cognizance and recently in 2022 bailable warrant of arrest has been issued by the court below for ensuring the presence of the petitioner, which gives the petitioner cause of action to seek anticipatory bail, for the third time.

4. Considering the circumstance that according to the investigating agency in the absence of any evidence collected against the petitioner, he could not be chargesheeted, in our opinion, a case is made out for grant of anticipatory bail. Further, similarly circumstanced co-accused, namely, Muzaffar Hussain has been granted anticipatory bail by an order dated 27.11.2019 in Cr. Misc. No. 27648 of 2018.

5. Considering the above, this application is allowed. Let the petitioner, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Chief Judicial Magistrate, Supaul in Balua Bazar P.S. Case No. 20/2010, subject to the condition as



laid down under Section 438(2) of the Code of Criminal Procedure.

6. This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Suraj/Rajesh-

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