

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68745 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- BARAHAT District- Banka

MD. TAHIR @ TEBREZ ANSARI, Son of Late Israfil Ansari village-
Gangata FAsiya PS- Motiya OP Dist- Godda Jharkhand

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Barahat P.S. Case No. 139 of 2023 registered for the offences punishable under Sections 25(1-B), 25(1-AA), 25(1-A), 26 (1)(2) and 35 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, the informant, on 24.06.2023, on the basis of a secret information reached near Naya Tola Garden and apprehended a person, namely, Parvez Ansari and from his bag one country-made pistol along with other incriminating articles were recovered. At the instance of the said accused, house of one Md. Aftab was searched from where articles used in manufacturing of pistol were recovered. It



is alleged that two motorcycles were also recovered from the said house of Md. Aftab. One of the motorcycles belonged to this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no specific allegation against this petitioner rather the allegations are general and omnibus. No incriminating article has been recovered from the conscious possession of this petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that at the instance of co-accused Md. Parvej Ansari, who was apprehended by police with several arms and other incriminating articles, house of Md. Aftab was searched and incriminating articles were recovered. It is further submitted that from the house of Md. Aftab, the motorcycle of this petitioner was also seized and the co-accused disclosed that he was engaged in manufacturing of arms together with this petitioner.

6. Having regard to the facts and circumstances of the case wherein it appears that co-accused Md. Parvej Ansari was apprehended by police with a bag from which several arms and other incriminating articles were recovered is the full brother of



this petitioner, he disclosed the name of another accused Md. Aftab from whose house also incriminating articles were recovered and from his house, the motorcycle of this petitioner was also seized and the co-accused disclosed that he was engaged in manufacturing of arms together with this petitioner, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus refused.

7. In case, the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

8. The application stands dismissed.

(Rajeev Ranjan Prasad, J)

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