

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72523 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- LAURIA District- West Champaran

1. Azad Khan S/O Rahmullah Khan Village- Piparpati, Ps. Jogapatti, Dist. West Champaran
2. Sajid Khan @ Sajjad Khan S/O Tazmullah Khan Village- Piparpati, Ps. Jogapatti, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sagar Kumar

For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 1 submitting that during pendency of this application the petitioner no. 1 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to petitioner no. 1 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to petitioner no. 2.

6. Heard learned counsel for the petitioner and



learned A.P.P. for the State.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Section 25(1-B)a, 26, 35 of the Arms Act.

8. As per the prosecution case, on the basis of secret information, informant along with other police personnel reached at the place of occurrence, but after seeing the police vehicle all the miscreants tried to escape. At the said place, two accused persons were apprehended from whose possession, a country-made pistol, two live cartridge and mobile phones were recovered.

9. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the name of this petitioner has transpired in the confessional statement of apprehended co-accused. Similarly situated co-accused has been enlarged on bail by a co-ordinate bench of this court vide order dated 28.07.2023 passed in Cr. Misc. No. 40638 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.



10. Learned APP for the State opposes prayer for anticipatory bail.

11. Considering the facts and circumstances of the case, let the above named petitioner no. 2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Lauriya P.S. F.I.R. No. 61 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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