

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74989 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BARIYARPUR District- Munger

MD. SHAHID @ BABLU SON OF LATE MD. ISLAM RESIDENT OF
VILLAGE- MIRZAPUR BARDAH, DARIYAPUR, POLICE STATION-
MUFFASIL, DISTRICT- MUNGER

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Adv
		Mr. Vipin Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2023 Heard learned Senior Counsel for the petitioner, learned
APP for the State.

2. The petitioner apprehend his arrest in connection with
Bariyarpur P.S. Case No.208 of 2022, registered for the offence
punishable under Sections 25(1-A), 25(1-AA), 25(1-b)a, 26(i)
(ii) and 35 of the Arms Act.

3. Allegedly, police seized a vehicle loaded with 40 pieces
of semi-manufactured arms and ammunition. A country made
pistol is also said to have been recovered from the apprehended
person.

4. It is submitted by learned Senior Counsel for the



petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. There is no specific overt act against the petitioner. There is no recovery of any contraband article from the conscious possession of the petitioner. Petitioner has been made accused on the basis of confessional statement of apprehended co-accused. He further submits that the apprehended co-accused has been granted regular bail by a co-ordinate Bench of the co-accused and also co-accused Md. Raju has been granted anticipatory bail by a co-ordinate Bench of this Court. Petitioner has three criminal antecedent out of which he has been acquitted in two of them.

5. Learned APP for the State opposed the prayer for anticipatory bail by submitting that the petitioner has three criminal antecedent of similar nature of offence.

6. Having regard to the facts and circumstances of the case as well as considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seek



for regular bail, the learned Court below shall pass the order on the same day, in accordance with law.

8. This application is, accordingly, disposed of.

(Anjani Kumar Sharan, J)

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