

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4800 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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Shahid Anwar @ Nanhe Son of Late Sultan Ahmad R/o vill - Alafganj,
Shivdhara, P.S. - L.N.M.U, Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Kanchan Jha
For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Sadar (Mabbi O.P.) Police Station Case No. 46 of
2023, dated 21.01.2023, disclosing offences punishable
under Sections 353/120-B/34 of the Indian Penal Code
and Section 25 (1-B)A/26/35 of the Arms Act.
3. The prosecution case, as per the First Information Report,
is that on 21.01.2023, the informant, who is a police
officer, received a secret information that some
miscreants have assembled near Apna Dharam Kanta,
proceeded towards the place of occurrence and upon
seeing the police party, the accused persons started



fleeing away. However, the police arrested some of the criminals, who were searched and recovered pistol, revolver, magazines, live cartridges, mobile phones etc. One of the criminal, who was fleeing away also pointed pistol upon the police force. The police also recovered motorcycles parked near Apna Dharam Kanta and one of the vehicles seized by the police from the place of occurrence belongs to the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of the fact that his motorcycle was found parked near the place of occurrence. She further submits that the petitioner is the resident of Darbhanga, where the occurrence has taken place and the petitioner had gone to the Office of the Insurance Company for renewal of the insurance policy of the scooty, which was seized by the police. She further submits that the wife of the petitioner is seriously ill and suffering from paralysis and she is under treatment of a doctor. The police enquired from the doctor, at Ary Homeo Clinic and the doctor has issued a letter to the police on 16.02.2023, stating that the petitioner had visited his clinic, along with his wife, on the date of



occurrence, i.e. 21.01.2023.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that no incriminating material has been recovered from the possession of the petitioner and the petitioner claims to be the owner of the scooty, which was recovered from the place of occurrence, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar (Mabbi O.P.) Police Station Case No. 46 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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