

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12207 of 2024

Arising Out of PS. Case No.-720 Year-2023 Thana- FORBESGANJ District- Araria

Md. Fida @ Fida Hussain S/o Md. Haroon R/o Village- Bhag Kohalia, P.S.-
Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 12-03-2024 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 Forbesganj Police Station Case No. 720 of 2023, dated 04.08.2023, disclosing offences punishable under Sections 25 (1-b)a/26/35 of the Arms Act.
3. The prosecution case, as per the First Information Report lodged by the Station House Officer of Forbesganj Police Station, is that on 04.08.2023, he got information that some persons have assembled near Miahath Hawaii field gate and were planning to deal in the illegal fire arms. Upon this information, the police proceeded towards the place of occurrence and saw that on three motorcycles, six persons were there and were talking amongst



themselves. Upon seeing the police party, they started fleeing away. The police arrested two persons, who disclosed their names as Sahnawaj, son of Md. Salim, and Sahnawaj, son of Md. Salauddin. Upon search, the police recovered one old country-made pistol from the possession of co-accused Sahnawaj, son of Md. Salim. The arrested co-accused persons disclosed the name of the petitioner and others as the persons who fled away from the place of occurrence.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused persons. He further submits that the petitioner is not having any criminal antecedent. One unloaded country-made pistol has been recovered from the possession of the arrested co-accused Sahnawaj, son of Md. Salim, and, that too, was very old.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is not having any criminal antecedent and an old unloaded country-made pistol has been recovered from the possession of the arrested co-accused Sahnawaj,



son of Md. Salim, 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, Araria, in connection with Forbesganj Police Station Case No. 720 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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