

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22317 of 2024

Arising Out of PS. Case No.-284 Year-2022 Thana- KHAIRA District- Jamui

1. Azim Ansari Son of Jumarti Ansari @ Jumarati Ansari @ Jumrati Mian Resident of Village- Hathiyapathar, Police Station- Khaira, District- Jamui
2. Javed Ansari Son of Azim Ansari Resident of Village- Hathiyapathar, Police Station- Khaira, District- Jamui
3. Ajmeri Khatoon W/o Azim Ansari Resident of Village- Hathiyapathar, Police Station- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 23-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 25(1-b)a, 25(1-A), 25(1AA), 26(i)(ii)(iii) and 35 of the Arms Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner Nos. 2 and 3 are son and wife of the petitioner No. 1. It is further submitted that in sum and substance the allegation is that the house of petitioner No. 1 was raided from where arms and ammunition, as detailed in the FIR, were recovered. The learned counsel next submits that police without investigating the case in its correct perspective falsely implicated the petitioners,



including the wife of petitioner No. 1. It is next submitted that petitioner No. 1 is aged about 68 years and petitioner No. 3 is aged about 60 years and they have remained persons with clean antecedents all throughout and all of a sudden, they came to be implicated in the instant case. It is further submitted that no doubt the house from where the arms and ammunition have been recovered belongs to the petitioner No. 1, but then petitioner No. 1 has four sons, including petitioner No. 2 and the house from where the arms and ammunition was recovered came in the share of petitioner No. 2. It is next submitted that it has been specifically pleaded at para-9 of the anticipatory bail application that petitioner No. 2 is not living at Jamui as such, he has rented the house which fell in his share to one Babita Devi as would manifest from annexure-2 to the anticipatory bail application. It is next submitted that Babita Devi was staying with her husband.

4. The learned counsel next submits that petitioners will produce all the relevant documents to demonstrate their innocence before the investigating officer of the case and will cooperate in the investigation and will not abscond.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khaira P.S. Case No. 284 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, in the event if the investigating officer of the case files an application before the learned trial court bringing to its notice that petitioners, despite giving assurance to the court, are not cooperating in the investigation in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners after recording reasons.

8. Let a copy of this order be sent to the concerned Police Station through the learned trial court.

(Satyavrat Verma, J)

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