

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34214 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- JOKIHAT District- Araria

Md Appo @ Appu S/O LATE JITU @ JITTU VILLAGE-Matiyari, Ward No
06, P.S.-JOKIHAT,DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Jokihat (Mahalgaon) P.S. Case No. 487 of 2023 registered for the offences punishable under Sections 25(1-b)a/26/35 of the Arms Act.

3. As per prosecution case, one country made pistol, one live cartridge and one Yamaha FZX motorcycle were recovered from the possession of co-accused Md. Rahwar and he disclosed the name of the present petitioner who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of co-accused Md. Rahwar, there is nothing on record to demonstrate the complicity of the present petitioner



with the alleged occurrence. Learned counsel submitted in Para 3 of the bail petition that petitioner bears no criminal antecedent. Petitioner was not present at the place of occurrence. Learned counsel further submits that petitioner is not in any way connected with the alleged occurrence. Learned counsel orally submits that the motorcycle in question does not belong to petitioner. No incriminating article has been recovered from the possession of the petitioner. He is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the given facts and circumstances of the case, no case is made out against the petitioner under Arms Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned C.J.M., Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 487 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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