

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38807 of 2024

Arising Out of PS. Case No.-1191 Year-2023 Thana- ARARIA District- Araria

Md Samad, S/O- Late Iliyas, R/O vill.- Gargadi Ward No. 2, P.S. Araria ,
Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Araria P.S. Case No. 1191 of 2023, registered for the offences under Sections 457, 380 and 511/34 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per prosecution case, informant found miscreants committing theft in his house. He raised alarm and one of the thieves was apprehended by the villagers. The apprehended co-accused Md. Samim disclosed the name of the petitioner as the person who fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person



or possession of this petitioner. The name of the petitioner transpired in this case on the basis of confessional statement of co-accused. Except for the confessional statement, there is no material against the petitioner to connect him with the offence as alleged. Petitioner is having clean antecedent.

5. Learned APP vehemently opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of substantive material to connect the petitioner with the offence as alleged and also considering the clean antecedent of the petitioner coupled with possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria/court concerned in connection with Araria P.S. Case No. 1191 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the



petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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