

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51305 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

Natho Mian @ Md. Jubari Hassan, Son of Late Manzoor Hassan, R/o Village-
Mai, Amma Kuan, PS- Neemchak Bathani, Dist.- Gaya. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard Mr. Praveen Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Anish Chandra,
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Neemchak Bathani P.S. Case No.63 of 2024 registered
under Sections 25(1-b)/26 of Arms act.

3. As per the allegation made in the FIR, the raid was
conducted by the police and one unlicensed country made gun
was recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel further



submitted that petitioner is 81 years old and he was not present at the time of alleged raid. The petitioner was made accused only because he is the owner of the house but the same is occupied by his other family members, as such, on mere suspicion petitioner has been roped in the present case. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the allegation made in the FIR, as well as, considering the age of the petitioner and the raid was conducted in his absence, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned J.M.F.C., Gaya in connection with Neemchak Bathani P.S. Case No.63 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner, as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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