

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63486 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- MAHUA District- Vaishali

Sabir Ahmad @ Md. Sabir Shekh Son of Md. Mustafa R/O Vill.- Majiya, P.S.-
Katahra Goraul, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-10-2024 Heard Mr. Anil Kumar, learned counsel for the
petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahua P.S. Case No. 182/ 2024 dated 07.04.2024 registered for the offence(s) punishable under Section(s) 399, 402, 412, 414 of the Indian Penal Code and section(s) 25(1B) (a), 26 and 35 of Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that as per the prosecution story, four accused persons who were apprehended at the spot on suspicion of making preparation to commit the offence and from the possession one country made pistol and two live cartridges are alleged to have been recovered but the petitioner is not said to have been apprehended at the spot and regarding the



involvement of the petitioner with the co-accused, the prosecution is mainly relying upon the disclosure made by the apprehended co-accused, which has got no evidentiary value and the petitioner has fair and clean antecedent, in fact, petitioner is co-villager of some of the co-accused who intentionally disclosed his name as being involved in the alleged crime on account of inimical terms in between the petitioner and the said co-accused. It is further submitted that petitioner is 22 years old.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this case as well as the above submissions and mainly the facts that regarding the petitioner's involvement in the alleged crime the prosecution is mainly relying upon the disclosure made by the co-accused who are said to have been apprehended at the spot and except this no other material has been pointed out by the learned APP with regard to petitioner's involvement and the petitioner has got fair and clean antecedent, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court



below within a period of six weeks from today, be released on anticipatory bail in connection with Mahua P.S. Case No. 182/ 2024 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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