

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65263 of 2024

Arising Out of PS. Case No.-497 Year-2024 Thana- SONEPUR District- Saran

Shamshad Alam S/O Nasaruddin Resident of village- Kakrahat, Police
Station- Derni, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mili Kumari, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-10-2024 Heard Ms. Mili Kumari, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection
with Sonepur P.S. Case No. 497/2024 instituted under Sections
25(1-B)(a), 26,35 of the Arms Act lodged on 11.06.2024 by the
informant, Kundan Kumar.

3. As per the prosecution story, the informant alleged
that while in jail, one Sahjad Alam developed friendship with
Akash Kumar and after release, on instruction of Akash Kumar,
he alongwith Sahilesh, this petitioner and Shivam snatched a
mobile phone from a person and demanded extortion from one
Raj Kumar Rai and Vikram Singh. Further, they also rang the



Sonepur MLA and as the phone did not connect, the same was destroyed and thereafter, on the instance of co-accused Sahjad Alam, the police recovered country made pistol/live cartridges from the bushes which followed the FIR.

4. Learned counsel for the petitioner, Ms. Mili Kumari submits that admittedly, the main role has been attributed to Akash Kumar and Sahjad Alam. Only in the confession of Sahjad, the name of the petitioner has come and one after another, two cases came against him which shows his criminal antecedent in para-3 of the petition, nothing has been recovered from his conscious possession.

5. Learned APP opposes the prayer submitting that his role has also been defined by the Sahjad Alam who is the main accused alongwith Akash Kumar.

6. From the FIR as also the confession of Sahjad Alam, it is him alongwith Akash Kumar who has the main role to play. On his confession, this petitioner has named, the recovery/seizure is also on the instance of Sahjad Alam, nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sonapur P.S. Case No. 497/2024 to the satisfaction of learned C.J.M., Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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