

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75371 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

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Md. Sahadat Md. Dukhua Resident of village- Khorwa PS -Mufassil District-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shadab Akhter, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 14-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Mufassil P.S. Case no.90 of 2024 registered for the offence punishable under sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, it is stated by the informant that two persons who started to flee away seeing the police personnel, were caught and they disclosed their names as Md. Makdum and Md. Mustakim. A country made pistol was



recovered from the possession of one of the caught accused. It is further stated that on enquiry they disclosed that they are involved in cow theft along with five named accused including this petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Except for the statement of coaccused made before the police about the petitioner's and others being involved in theft of cow and selling the same for business purpose, there is no other material against this petitioner. No incriminating article has been recovered from his possession. He undertakes to cooperate in the investigation/trial.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., the only material against the petitioner being the statement of the coaccused made before the police and no incriminating article having been recovered from the petitioner's possession, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in



connection with Mufassil P.S. Case no.90 of 2024 on furnishing
bail bond of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of the learned
Chief Judicial Magistrate, Katihar.

(Partha Sarthy, J)

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