

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76125 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Chhotuwa @ Md. Sabbir, aged about 28 years (Male), son of Niyajul @
Ajajul Rahman, R/O Village- Mirzapur Bardah, P.S.- Muffasil, Dist- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjiv Kumar Singh, Advocate
For the Opposite Party : Mrs. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 96 of 2023 dated 09.03.2023 registered for the offences punishable under Sections 25(1-b)a, 26(ii) and 35 of the Arms Act.

3. As per the prosecution case, police apprehended Md. Sajjad and from his possession and on his disclosure, four pistols, seven magazines and two live cartridges were recovered. He also disclosed the name of the petitioner and other accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in



this case. The name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused Md. Sajjad. Except the confessional statement of the co-accused, there is no other substantive evidence to suggest the implication of the petitioner in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has two criminal antecedents as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Munger in connection with Muffasil P.S. Case No. 96 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which



on two consecutive dates without reasonable
cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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