

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85916 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- SHAHKUND District- Bhagalpur

Md. Azad S/o Md. Kamruddin @ Funnu R/o VILLAGE-MIRJAPUR
BARDAH, P.S-MUFFASIL, DISTRICT-MUNGER

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Adv.
For the Opposite Party/s : Mr.Yogendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Shahkund (Sajour) P.S. Case No. 247 of 2022 registered for the offences punishable under Sections 25(1)(1-AA), 25[1-(1-b)c], 26, 28, 35 of the Arms Act.

3. Allegedly, huge quantity of arms, mobile phones and tools used in manufacturing of the arms were recovered from the house of co-accused Md. Ekram. Petitioner is said to have fled away from the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has no concern with the alleged recovery. No



incriminating article has been recovered from the conscious possession of the petitioner and from his house. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has two criminal antecedents of similar nature that of the present case as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that petitioner has two criminal antecedents of similar nature that of the present case. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case as well as the criminal antecedent of the petitioner, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

8. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular



bail, the learned Court below shall pass order on the same day
in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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