

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86697 of 2023

Arising Out of PS. Case No.-346 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Niraj Sahani @ Niraj Kumar S/o- Bishnu Sahni Village- Bairia PS- Sahebganj
Dist - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Motipur PS case no. 346 of 2022, disclosing offences punishable under Sections 25(1-b)a, 26, 35 of Arms Act.
3. The prosecution story, as per the First Information report, is that on 03.10.2022, the police arrived near Jubaida over-bridge under Motipur Police Station and after seeing the police party, three persons tried to flee away on a motorcycle without any number plate. One person was arrested by the police and two persons succeeded in fleeing away. The apprehended accused person disclosed the name of petitioner and others. A loaded pistol, mobile phone and key were



recovered from arrested accused person.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of disclosure of his name by arrested accused person, from whose possession, incriminating articles and other articles recovered. He further submits that petitioner is having no criminal antecedent and no incriminating material has been recovered from his possession.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent and no incriminating material has been recovered from his possession and name of the petitioner has been disclosed by co-accused arrested by the Police, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd (West), Muzaffarpur in connection with Motipur PS case no. 346 of 2022, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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