IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4772 of 2024

Arising Out of PS. Case No.-577 Year-2023 Thana- PATNA CITY CHOWK District- Patna

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Md Shahzad @ Bittu Son Of Md. Samim @ Mohammad Samim Resident Of Bataukuan, Mazar Ke Bagal Mein, Ps - Chowk, District - Patna

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Abhimanyu Deo
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-02-2024 **1.** Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received secret information that Md. Arshad @ Bittu is roaming around with a pistol in his waist, accordingly informant along with police forces reached the place of occurrence and Md. Arshad @ Bittu was arrested with arms. It is next alleged that he disclosed the name of the petitioner, who fled from the place of occurrence.

4. The learned counsel next submits that petitioner

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was not arrested from the spot, as such nothing was recovered from his conscious possession. It is also submitted that petitioner came to be implicated based on confessional statement of co-accused in police custody, which does not have any evidentiary values. It is next submitted that even from perusal of the allegation as alleged in the FIR, it would manifest that the informant himself had stated in the FIR that he had secret information only with respect to Md. Arshad @ Bittu. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

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

6. Considering the submissions made by the learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chowk P.S. Case No. 577 of 2023 subject to the conditions as laid down under

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Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the investigating officer of the case files an application before the learned trial court leading to a notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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