

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64545 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- BIHARIGANJ District- Madhepura

Md. Akhter S/O Md. Ali Hasan R/O Village- Sarunikala, Ward No.-12, P.S -
Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Bihariganj P.S. Case No. 172 of 2024 registered for the offences punishable under Sections 25(1-b)a, 24 and 35 of the Arms Act.

3. As per prosecution case, one loaded country made pistol and one live cartridge were recovered from apprehended co-accused Md. Afroz. It is alleged that on unloading the said country made pistol, one live cartridge was also recovered and the apprehended co-accused disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that apprehended co-accused Md. Afroz disclosed the name of the



petitioner. Except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is named in FIR and he cannot escape from the allegation made in FIR. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be



released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 172 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

9. However, if the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

