

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41549 of 2014

Arising Out of PS.Case No. -170 Year- 2008 Thana -MOTIHARI MUFFASIL District- EAST
CHAMPARAN (MOTIHARI)

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Gagandeo Mukhiya S/o Rameshwar Mukhiya, Resident of Village-
Madhubani Ghat, Mathia Tola, P.S.-Muffasil, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 27.04.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Muffasil
P.S. Case No. 170 of 2008 dated 17.09.2008 instituted under
Sections 25(1-B)(a)/26/35 of The Arms Act, 1959.

Learned counsel for the petitioner submits that
for one incident two cases were lodged, Muffasil P.S. Case No.
171 of 2008 under Section 307 of the Indian Penal Code and
the present case. It is submitted that in the present case, the
allegation is that the brother of the petitioner was caught with
one live cartridge and he is said to have stated that the
petitioner had given him that cartridge. It is submitted that in
Muffasil P.S. Case No. 171 of 2008 the allegation was of
assault by lathi, danda followed by the butt of the firearm.
Learned counsel submits that the petitioner along with three
others have been granted anticipatory bail by a co-ordinate
Bench of this Court in the other case by order dated

18.12.2009 passed in Cr. Misc. No. 43333 of 2009. Learned counsel submits that the petitioner was under the impression that he was not accused in the present case and under that misconception he never moved before the Court earlier for grant of anticipatory bail and only when the police became active to arrest the petitioner, he has moved the Court.

Learned A.P.P. submits that the chargesheet has been submitted against the petitioner showing him as absconder.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the S.D.J.M., Sadar, East Champaran at Motihari in Muffasil P.S. Case No. 170 of 2008, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J.)

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