

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36814 of 2015

Arising Out of PS.Case No. -135 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

1. Binod Sahani Son of Jailal Sahani Resident of Daroga Tola, P.S.
Banjaria, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Ram Bachan Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-09-2015

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

The petitioner apprehends his arrest in Motihari Town
P. S. Case No. 135/2015 registered for offences punishable under
Sections 25 (1-b) a, 26, 35 of the Arms Act and under Section 414
of the I.P.C.

The prosecution case is that on secret information a raid
was laid when 4-5 miscreants started escaping from the place of
raid, out of them three were apprehended, namely, Mukesh Kumar
Yadav, Anshul Rai and Samir Alam, From the spot one loaded
pistol and cartridge were recovered. On statement of co-accused
Mukesh Kumar Yadav three live cartridges were recovered from
his rented room, who suggested the name of the petitioner as a
person, who had the knowledge about the pistol and cartridges.

It is submitted by learned counsel for the petitioner that

admittedly no recovery has been made from the petitioner and that the petitioner has no criminal antecedent. A co-ordinate Bench of this Court has granted the privilege of anticipatory bail to another accused namely, Ganesh Gupta for allegation of similar nature in Cr. Misc. No. 30696 of 2015 dated 04.08.2015.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below with a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Motihari Town P.S.Case No. 135/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure. The bail bond of the petitioner will be accepted on filing of the affidavit by the petitioner before the learned Court below to the effect that he will regularly co-operate in the investigation. Non cooperation in the investigation by the petitioner will give liberty to the learned Court below to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J)

Sudha/-

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