

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41459 of 2014

Arising Out of PS.Case No. -60 Year- 2014 Thana -JAMHORA District- AURANGABAD

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Rakesh Kumar Singh, Son of Baijnath Singh, Resident of Village-Kaithi,
P.S.-Jamhore, District-Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr.Adv.

Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-03-2015

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 25(1-B)(a)/26/35 of the Arms Act.

It is submitted that, though the petitioner is named in the FIR vide Annexure-1 as an accused, but admittedly he was not present there on the alleged place of occurrence. According to learned counsel, one country made pistol is said to have been recovered from one room, which was not occupied exclusively by the petitioner. It is contended that the family is joint of five brothers, therefore, it cannot be said that the alleged recovery made from a room, though in his absence, was exclusively belonging to him. It is further highlighted that the petitioner is not an accused in any other criminal case excepting the present one.

Learned Addl.P.P. appearing on behalf of the State of Bihar though has opposed the prayer, but has not disputed the aforesaid submissions.

Be that as it may, in the facts and circumstances of the case, the prayer for anticipatory bail made on behalf of the

petitioner is allowed. In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Jamhore P.S. Case No. 60 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors shall be a government servant
- (B) the other bailor shall be either his family member or a close relative of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (C) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (D) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

Arvind/-

(Birendra Prasad Verma, J)

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