

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23972 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MAHISI District- SAHARSA

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1. Ramashish Sharma son of Sri Umesh Sharma, resident of village-
Tillathi, P.S.- Simribakhtiyarpur (Kanaria O.P.) District- Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra &
Mr. Arun Kumar

For the Opposite Party/s : Mr. H.A.Khan(App)

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD
VERMA**
ORAL ORDER

2 31-05-2016

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Sections 25(1-B)(a) and 26 of the Arms Act.

Though, the petitioner, is named in the first information report vide Annexure-1 as an accused and there is allegation of recovery of one country made pistol, but taking into consideration the fact that the petitioner is said to be the first offender as has been asserted in paragraph 3 of the bail petition and further taking into consideration the fact that he is in judicial custody since 27.01.2016, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of bail.

Let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Mahishi P.S. Case No. 10 of 2016 subject to the

conditions that :

(A) one of the bailors must be a government servant or close family members of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) 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, and

(C) 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 dates, 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.

(Birendra Prasad Verma, J)

Amin/-

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