

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5898 of 2016

Arising Out of PS.Case No. -95 Year- 2015 Thana -GOVINDPUR District- NAWADA

Sajjad Khan @ China, S/o Jawed Khan, r/o- Vill. Ratni, P.S.- Govindpur,
Distt.- Nawada Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 22-02-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Govindpur P.S. Case No. 95 of 2015, disclosing offences under Sections 25 (1-b) A of Arms Act.

The case of the prosecution is that a raid was conducted in the house of the petitioner by Bihar Police in order to assist West Bengal Police for arresting the petitioner, an accused of a case under Section 307/34 of the Indian Penal Code registered in West Bengal. In course of the raid so conducted, from beneath the bed of the petitioner a magazine was recovered.

Learned counsel for the petitioner submits that even on the basis of the First Information Report, it cannot be said that the said magazine was recovered from the conscious possession of the petitioner as the house from where the magazine was recovered is

inhabited by the other members of the joint family of the petitioner. He also submits that in view of the nature of accusation there is no chance that the petitioner would be tampering with the evidence and influencing the witnesses.

Considering the submission as above, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 95 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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