

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26522 of 2016

Arising Out of PS.Case No. -207 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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Daroga Singh, son of Late Sudama Singh, resident of village- Belwa
Madho, P.S. Kotwa, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Sri Jitendra Kumar Roy 1

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2016

Heard learned counsel for the petitioner and Sri
Jitendra Kumar Roy, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in
connection with Kotwa P.S. Case no.207 of 2015 registered for the
offence under Sections 25(1-B)a/26/35 of the Arms Act, has
prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that in
this case, falsely a recovery of country-made Gun was shown to be
recovered from the courtyard of the petitioner. It was submitted by
learned counsel for the petitioner that the petitioner was having
clean antecedent and there was no reason for police to conduct a
raid in the premises of the petitioner and, as such, only on false
accusation, the petitioner has been victimized.

Besides hearing learned counsel for the parties, I

have also perused the material. On examining the material, particularly the F.I.R., it is evident that there was no reason/allegation as to under what circumstances the police had raided the house of the petitioner whereas the petitioner was having clean antecedent. It was not a case that there was any search warrant to search or conduct a raid of the house of the petitioner.

In view of facts and circumstances, the petitioner, namely, Daroga Singh, in the event of his arrest or surrender within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Kotwa P.S. Case no.207 of 2015 subject to condition as laid down in Section 438 (2) of the Code of Criminal Procedure.

It goes without saying that whatever observation has been made by this Court was recorded only for the purpose of the present bail petition.

(Rakesh Kumar, J)

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