

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35898 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Pawan Yadav son of Rajeshwar Rai Resident of Village- Kuarihar, P.S.-
Raxaul, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 05-10-2016 Heard the counsel for the petitioner and Mr. M. Dayal,

APP for the State.

The petitioner apprehending his arrest in Raxaul P.S.

Case No. 89 of 2016 registered under Sections 25(1-b)a, 26, 27

and 35 of the Arms Act, has approached this Court for grant of

anticipatory bail.

On getting information from the informant of Raxaul

P.S. Case No. 88/2016, the police is said to have reached at the

place of occurrence where a slew of persons had assembled with

fire arm/weapons. This was with a view to take possession of the

land which the petitioner is said to have agreed to purchase from

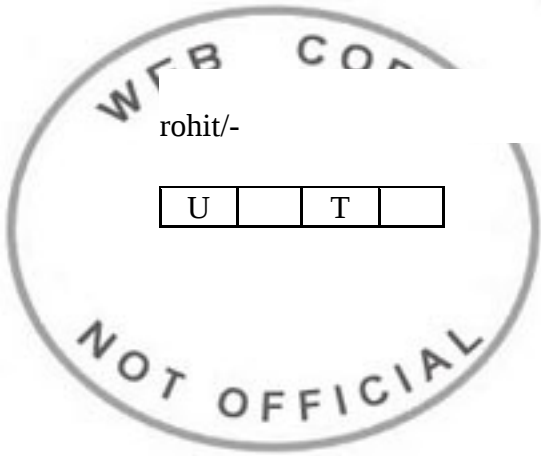
one Sonelal Sah under agreement. Seeing the police party, some

firings was resorted to. On a chase offered and some accused(s) persons possessing fire arms were arrested and seizure memo was drawn. The informant in his self statement has stated that the petitioner was also present, but managed to escape.

Contention of the petitioner is that indisputably, he was not at the place of the occurrence inasmuch as no recovery of any fire arm has been made from his possession. It is mere the suspicion of the informant that he was also present at the place of occurrence and escaped therefrom. The petitioner has no criminal antecedent except the case lodged by another claimant of the land namely Jaipal Prasad giving rise to Case No. 88 of 2016.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of arrest/surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Raxaul in Raxaul P.S. Case No. 89 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be his own/close family member. The petitioner shall appear in person on each date fixed at the trial. In case of default in appearance on two consecutive

dates, the trial court shall have liberty to cancel his bail bonds.



(Kishore Kumar Mandal, J)