



IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44728 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -MAHESI District- EAST
CHAMPARAN (MOTIHARI)

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1. Bhageshwar Kumar, Son of Dindeyal Sah, resident of
Village- Kasba Mehshi, P.S.- Mehshi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Ram Sumiran Roy

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 28-10-2016 Heard the parties.

 This application, for grant of anticipatory bail,
arises out of Mehasi P.S. Case No. 61 of 2016, disclosing
offences under Section 414 of the Indian Penal Code and
Sections 25(1-b)a/26(2)/35 of the Arms Act.

 The police is said to have intercepted a
motorcycle. Three persons were said to be riding the said
motorcycle, one among them is said to have fled away on
seeing the police. From the two, who were apprehended,
the police recovered a loaded country made pistol and

mobile phone.

The two apprehended persons could not furnish any documents in support of their ownership over the said motorcycle, which they were riding. They are said to have disclosed the name of the petitioner, as the third person, who was riding the said motorcycle with them.

Learned counsel for the petitioner has submitted that no offence, under the provisions of the Arms Act, is made out in absence of any allegation of recovery from his conscious possession or use of such fire arm by him. He has also submitted that the petitioner has no criminal antecedent and states that the petitioner shall present himself before the police or the Court, as and when required.

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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Motihari, East Champaran**, in connection with **Mehasi P.S. Case No. 61 of 2016**, subject to the condition 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-c

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