

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7941 of 2016

Arising Out of PS.Case No. -328 Year- 2015 Thana -NOORSARAI District-
NALANDA (BIHARSHARIFF)

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1. Kaushlendra @ Shankar Mistry, S/o Jagan Mistry,
Resident of Village – Sherpur, Police Station - Noorsarai
District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – I, APP

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

ORAL ORDER

2 06-04-2016 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Noorsarai P.S. Case No.328 of 2015,
disclosing offences under Sections 160 and 307 of the
Indian Penal Code and Section 25(1-B) A, 26, 27 and 35
of the Arms Act.

From the First Information Report, it appears
that the police, acting on an information, reached at the



place of occurrence and found that two groups were fighting with each other and exchanging fire in the concerned village. On police intervention, many of them fled away, whereafter, the police recovered certain arms and ammunitions. So far as the present petitioner is concerned, the allegation against him is that a country made pistol was recovered from a box, lying at the western side of his house.

Learned counsel for the petitioner submits that strictly speaking, no specific case, under Sections 25(1-B) A, 26, 27 and 35 of the Arms Act or Section 307 of the Indian Penal Code, is made out against the petitioner. He further submits that petitioner has no criminal antecedent, as stated in paragraph-3 of the application.

Considering the submission, as above, this application is allowed. Let the petitioner, abovenamed, 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, Nalanda at Bihar Sharif**, in connection with **Noorsarai P.S. Case No.328 of 2015**, 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/-

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