

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42430 of 2016

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Tufani Paswan, S/o Ram Lal Paswan, R/o village - Sritola, P.S. Ara
Nawada, District - Bhojpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 17-10-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Ara Town (Nagar) P.S. Case No. 380 of 2016, disclosing offences under Sections 26 (1-B)a ,26 and 35 of the Arms Act.

Allegedly, the Police had chased three persons, who were found in suspicious circumstance. Two of them managed to escape. The third Akash Kumar was apprehended from whose possession three live cartridges of .315 bore were recovered. He is said to have disclosed the name of the petitioner who was also there with him.

Learned counsel appearing on behalf of the petitioner has submitted that even if the allegations made in the First Information Report are treated to be true, no offence under the provisions of Arms Act is made out. He has submitted that the said co-accused Akash Kumar, allegedly told the police that one of the

two persons who had fled, was in possession of a country made pistol. It has been submitted that the petitioner has no criminal antecedent.

Considering the nature of allegation and the submissions advanced on behalf of the petitioner, 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, Ara in connection with Ara Town (Nagar) P.S. Case No. 380 of 2016, 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/-c

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