

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10460 of 2016

Arising Out of PS.Case No. -244 Year- 2015 Thana -KHAIRA District- JAMUI

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1. Fahim Ansari Son of Rahim Ansari, Resident of Village - Devlatarh, P.s.
- Khaira, District - Jamui.

..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case is that the house of the petitioner was raided, nothing was recovered, then the house of petitioner's brother Rahim Ansari was raided, from where one country made rifle, three live cartridge, one used cartridges and mobiles were recovered. It is alleged in last portion of the First Information Report that petitioner and Rahim Ansari, both are brothers and living

in joint family.

It is submitted by the learned counsel for the petitioner that as per own admission of the informant, first the house of the petitioner was raided and nothing was recovered, thereafter the house of his brother was raided, from where one country made rifle, three live cartridges, one used cartridge and mobiles were recovered, hence no offence under Arms Act has been made out against the petitioner. Moreover, seizure suggests that recovery has been made from the house of Rahim Ansari. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. The father of the petitioner has been granted regular bail.

Considering the aforesaid facts, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 244 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The bail bond of the petitioner shall be accepted by the learned court below on filing affidavit to the effect that he will cooperate during investigation. The said affidavit will be transmitted to the concerned I.O. The non-cooperation in the

investigation will give liberty to the learned court below to
cancel the bail bond of the petitioner.



(Dinesh Kumar Singh, J)

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