

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13990 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -KHODAWANPUR District- BEGUSARAI

Kamal Yadav Son of Ram Chandra Yadav, Resident of village- Barijana,
P.S.- Khodawandpur, (Chaurahi OP), District- Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam

For the Opposite Party : Mr. P.K.Jha (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 11-04-2016

Heard learned counsel for the petitioner and learned Additional
Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of
Khodawandpur P.S.Case No.225 of 2015, disclosing offences under Sections
457, 504 and 34 of the Indian Penal Code and Sections 25(1-b) and 35 of the
Arms Act.

It is alleged that in the wee hours of 04.12.2015, three persons
riding motorcycle reached the informant's house. The informant was
sleeping. He suddenly woke up and after having seen them, he started raising
alarm. Allegedly the son of the informant rushed towards the accused,
whereafter the three accused persons tried to flee away. With the help of the
informant's son and the villagers, one could be apprehended from whom
country made loaded pistol was recovered. The said person disclosed the
name of the present petitioner and one Rohit Yadav who were allegedly
accompanying him. The person who was apprehended by them, namely,

Shambu Ram was handed over to the police and an FIR was accordingly instituted.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner has no criminal antecedent and he has falsely been implicated. He has further submitted that the story as narrated in the First Information Report appears to be improbable.

In view of 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 Sub Divisional Judicial Magistrate Manjhaul in the District of Begusarai** in connection with **Khodawandpur P.S.Case No.225 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/her part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

B.Kr./-

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