

Arising Out of PS.Case No. -100 Year- 2015 Thana -
BHAGWANPUR District- BHABHUA (KAIMUR)

.... Petitioner

The State of Bihar

.... Opposite Party

For the Petitioner : Mr. Rajesh Kumar Pathak

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

ORAL ORDER

2 01-02-2016

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

This application for grant of anticipatory bail arises out of Bhagwanpur PS Case No. 100 of 2015 disclosing offences under Section 25(1-b)A/26/35 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner's implication in the present case is based on mere suspicion. For the same occurrence, two cases have been instituted, i.e., Mohania PS Case No. 288 of 2015, for the offence under Section 392/412 IPC, and the present Bhagwanpur PS Case No. 100 of 2015, for the offence under Section 25(1-b)A/26/35 of the Arms Act. It is submitted that

in the substantive case, i.e., Mohania PS Case No. 288 of 2015, the petitioner has been granted anticipatory bail by this Court, vide order dated 11.01.2016, in Cr. Misc. No. 1089 of 2016. He submits that over and above suspicion against the petitioner, there is no material against his involvement in the crime.

Considering all the facts and circumstances, this application is allowed. It is directed that in the event of his arrest, the petitioner above-named, shall be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bhabua (Kaimur), in connection with Bhagwanpur PS Case No.100 of 2015, subject to the conditions as laid down under Section 438(2) CrPC.

This is subject to the further condition that the petitioner shall present himself before the police/Court below, 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)

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