

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54525 of 2016

Arising Out of PS.Case No. -909 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Santosh Tiwary, Son of Late Ramnath Tiwary, Resident of Village-
Patuaha, Police Station- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 22-12-2016 Heard.

Petitioner prays for grant of anticipatory bail in Saharsa P.S.

Case No. 909 of 2016 registered under sections 25(1-B)a, 26, 35
of the Arms Act.

Two accused persons, riding a motorcycle, were intercepted
and from whose possession unlicensed weapons are said to have
been recovered. One of them is said to have made statement that
he used to commit crime with the petitioner. Except this, no other
material is against the petitioner.

Mr. Dayal, APP, on going through the impugned order has
also submitted that the learned Sessions Judge has also not found
any other incriminating materials and recorded that he is named in
the F.I.R. only on the basis of statement of co-accused. In
paragraph 3, the petitioner has asserted about his clean antecedent.



Considering the above, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Saharsa P.S. Case No. 909 of 2016 in learned Chief Judicial Magistrate, Saharsa subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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