

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45287 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -GOGRI District- KHAGARIA

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Samsher Alam Son of Md. Taslimuddin Resident of village- Muskipur,
Police Station- Gogri, District- Khagaria Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Viveka Nandsingh, Advocate

For the Opposite Party : Mrs. Pushpa Sinha, APP (special)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence under sections 25(1)a, 26(1), 29, 30 and 35 of the Arms
Act.

Counsel for the petitioner submits that the recovery
of arms has been made from a hutment and not from the
possession of the petitioner who is in custody since 31.3.2017
and prior to the lodging of this case, has not been made accused
in any other case.

In view of the aforesaid submissions, let the petitioner
as mentioned above be released on bail on furnishing bail bond
of Rs.10,000/- each with two sureties of the like amount each to
the satisfaction of Sri Brajesh Kuamr, Judicial Magistrate, 1st
class, Khagaria in Gogri (Paura) Police Station Case No. 152 of
2017, on the following conditions:-

(a) One of the bailors will be a close relative of the
petitioner who will give an affidavit giving genealogy as to how
he is related with him. The bailor will also undertake to inform



the court if there is any change in the address of the petitioner.

(b) The affidavit shall clearly state that the petitioner is not an accused in any other case, and if he is, he shall not be released on bail.

(c) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

(e) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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