

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62509 of 2017

Arising Out of PS.Case No. -440 Year- 2016 Thana -MOTIHARI MUFAJIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Ramekbal Mahato, S/o Late Gopal Mahato,
2. Vikash Mahato, S/o Chandrika Mahato,
3. Ram Naresh Mahato, S/o Chandrika Mahato,
4. Raj Kumar Mahato @ Ram Kumar Mahato, S/o Chandrika Mahato,

All R/o Village- Madhubani Ghat, P.S.- Motihari (Muffasil), District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party/s : Mr. Sakir Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-12-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Motihari (Muffasil) P.S. Case No. 440 of 2016** instituted for the offence under Sections 25(1-b)(a), 26 and 35 of the Arms Act.

It has been submitted that recovery of firearms is said to have taken place from beneath the bed in Dalan of the house of Chandrika Mahato.

The seizure list is enclosed with the First Information Report which bears signature of Sunita Devi. These petitioners are said to be brothers and son of Chandrika mahto.

From the written report as well as seizure list it appears that there is no recovery of any firearm from conscious possession of



these petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with **Motihari (Muffasil) P.S. Case No. 440 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Motihari, East Champaran**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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