

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 45442 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -SALKHUA District- SAHARSA

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Jhanjhat Yadav son of Late Pramodi Yadav, resident of Village- Chamantol,
P.S. Mufassil Khagaria, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Diwakar Prasad Singh, Advocate

For the S t a t e : Mr Amrendra Prasad, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **21-09-2017** Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks bail in a case registered under
Sections 25, 26 of Arms Act.

As per the first information report, the petitioner has
been apprehended on the basis of some secret information.
Counsel for the petitioner submits that he was arrested while he
was not committing any offence and no incriminating article has
been recovered from his possession. He denies recovery of the
country made pistol and five live cartridges which are attributed to
have been recovered from his possession. He submits that he has
no criminal antecedent prior to the instant case and he is in
custody since 06.04.2017.

Considering the aforesaid submissions, prayer for



bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Saharsa in Salkhua (Banma Ithari OP) Police Station Case No 62 of 2017 subject to the following conditions:

- (i) *That 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 the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.*
- (ii) *That 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.*
- (iii) *That 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.*
- (iv) *That 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.*
- (v) *That 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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