

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2347 of 2017

Arising Out of PS.Case No. -448 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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Vijay Kumar, S/o Srikant Jha, Resident of Punaura, P.S.- Sitamarhi,
District- Sitamarhi.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner : M/s. N.K. Agrawal, Senior Advocate, D.N. Tiwari and
Saket Tiwari, Advocates.

For the State : Mr. Satyendra Prasad, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 03-02-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sitamarhi P.S.
Case No.448 of 2016 registered under Sections 25(1-b)a, 26 and
35 of the Arms Act.

The accusation is of recovery of one loaded country made
pistol, two magazines and 6 live cartridges from the possession of
the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has falsely been implicated in this case
showing the recovery of one loaded country made pistol, two
magazines and 6 live cartridges from his possession and he is in



custody since 15.07.2016 in the present case. Further submission is that after his arrest in the present case, the petitioner has been remanded in Purnahiya P.S. Case No.49 of 2016 registered under Sections 25(1-b)a, 25(1-A), 26(ii) and 35 of the Arms Act. While the petitioner has also been made accused in Sitamarhi P.S. Case No.307 of 2015 registered under Sections 115, 120(B). 399 and 401 of the Indian Penal Code besides Sections 25(1-b)/a, 26 and 35 of the Arms Act but he has been allowed anticipatory bail in that case by the Sessions Judge, Sitamarhi. It is further submitted that the petitioner undertakes that he will attend the trial court on each and every date fixed in the case during the course of the trial.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No.448 of 2016. Out of the two sureties, one must be close relative of the petitioner, who will file an affidavit giving genealogy as to how he/she is related with the petitioner. The bailors will undertake to furnish information to the court about any change in the address of the petitioner. Further, the petitioner shall attend the trial court on each and every date fixed in the case



during the course of the trial. If the petitioner fails to attend the trial court on two consecutive dates during the course of trial without any reasonable cause being shown, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Rajendra Kumar Mishra, J)

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