

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43073 of 2017

Arising Out of PS.Case No. -30 Year- 2016 Thana -GHOSBARI District- PATNA

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1. Upendra Yadav, Son of Ram Ishwar Yadav, Resident of Village-Gosaigaon, Police Station- Ghoswari, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-09-2017

Heard the parties.

This application, for grant of anticipatory bail, arises out of Ghoswari P.S. Case No. 30/2016, disclosing offences under Sections 25(1-B)A, 27 and 35 of the Arms Act.

Allegedly, the petitioner was carrying two country made guns, which the informant snatched from his possession to prevent any eventuality. The informant thereafter brought the said illegal firearm to the police station for legal seizure.

Learned counsel for the petitioner is correct in his submission that on the basis of allegation made in the First Information Report, no offence is made out under Sections 25(1-B)A and 27 of the Arms Act. The offence, which can be made out on the basis of what has been alleged in the F.I.R., is punishable



under Section 37 of the Arms Act, which is bailable in nature. However, since such Sections of the Arms Act, which are not bailable, have been mentioned in the F.I.R., the petitioner has genuine apprehension of arrest.

Considering the facts aforesaid, this application is allowed. Let the petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the **learned Judicial Magistrate 1st Class, Barh Patna** in connection with Ghosawri P.S. Case No. 30/2016, subject to the condition laid down under Section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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