

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63735 of 2017

Arising Out of PS.Case No. -99 Year- 2017 Thana -BACHWARA District- BEGUSARAI

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Shambhu Mahto @ Pasi, son fo Sitaram Mahto, resident of village Bajitpur,
P.S. Vidyapati Nagar, Distt. Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 06-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bachhawara**

P.S. Case No. 99 of 2017 instituted for the offence under Sections
25(1-b) a, 26 and 35 of the Arms Act.

It is alleged that police apprehended two persons on
the Bolero vehicle. The apprehended persons disclosed their
names as Kanhaiya Lal Sharma and Shyam Nandan Paswan.
Kanhaiya Lal Sharma disclosed himself as driver of the Bolero
vehicle. Police searched the said Bolero vehicle and recovered one
double barrel gun and 20 live cartridges kept in a plastic bag. One
of the apprehended persons namely, Kanhaiya Lal Sharma
disclosed the name of this petitioner of having fled away from the
place of occurrence.

As such, there is no recovery of any incriminating
article from possession of this petitioner.



It is mentioned in paragraph-3 of the bail petition that petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Bachhawara P.S. Case No. 99 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-VI, Begusarai**, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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