

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12624 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -ISHAKCHAK District- BHAGALPUR

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1. Sonu Yadav @ Sonu Kumar, S/o Pritam Yadav, R/o Mohalla-Ishakchak, P.S.- Ishakchak, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 08-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Ishakchak P.S.**

Case No.134 of 2017 instituted for the offence under Section(s) 448, 323/34 Indian Penal Code and Section 25(1-b)A, 26, 27 and 35 of the Arms Act.

Counsel for the petitioner has submitted that there is no mention in the written report that any fire arm recovered from the possession of the petitioner was produced before the police. It is further submitted that from the written report itself, at best, offence under Section(s) 37 of the Arms Act will be applicable, which is bailable.

In the written report, it is alleged that few persons were abusing the ladies and other persons inside the temple, who



were singing *Bhajan*. It is alleged that this petitioner was apprehended, who was making firing. Production-cum-seizure list has been enclosed with the First Information Report, which does not bear the signature of the petitioner. It is mentioned in Production-cum-seizure list that one Shibu Khatri has produced the articles before the police, who is not one of the signatories on the written report.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Ishakchak P.S. Case No.134 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 the **Chief Judicial Magistrate, Bhagalpur**, 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 his 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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