

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61980 of 2017

Arising Out of PS.Case No. -648 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Anil Kumar @ Lalu, Son of Surendra Prasad Singh, Resident of Mohalla-Bagmusa, P.S. Hajipur Town, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-02-2018 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

This is an application for grant of anticipatory bail

in connection with Hajipur Town PS case no. 648 of 2017

registered for the offences punishable under Sections 25(1-B)a, 26

of Arms Act.

The allegation is regarding recovery of three

countrymade pistols after a raid having been conducted by the

police in the house of the petitioner.

The learned counsel for the petitioner submits that

the mandatory provisions of Section 100 of the Code of Criminal

Procedure has not been followed in preparation of the seizure list,

hence the entire seizure of the said three countrymade pistols is



doubtful. It is further submitted that there is no material on record to show any complicity on the part of the petitioner as far as the recovery of the said countrymade pistols are concerned. It is next submitted that neither the said seizure list has been given to any family member nor it bears the signature of any family member of the petitioner herein. As far as the pendency of the two cases against the petitioner herein is concerned, it is submitted that the petitioner's family is having animosity with one Maheshwar Prasad Singh and the said case has been filed by the said Maheshwar Prasad Singh and his wife. It is next submitted that infact, the father of the petitioner has also filed a case against the said Maheshwar Prasad Singh. It is lastly submitted that on account of the aforesaid animosity between the prosecution side and the accused side, case and counter case are regularly being filed and the present case is also an outcome of the same.

Having regards to the facts and circumstances of the case, more particularly the fact that the seizure itself is doubtful, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town PS case no. 648 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall join investigation and would be present at the place where the investigating agency directs the petitioner to be present. It is clarified that if the prosecution finds that the petitioner is not cooperating in investigation then it would be free to move this Court for cancellation of the bail. It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10 am on every Monday and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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