

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42014 of 2018

Arising Out of PS.C.ase No. -84 Year- 2018 Thana -TARAIYA District- SARAN

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1. Sunil Kumar Mahto son of Rameshwar Mahto, resident of Village-
Andhwari Dumri, Police Station- Taraiya, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 23-07-2018

Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Taraiya P.S.
Case No. 84/2018, instituted for the offences punishable under
Sections 307, 353, 413 and 414/34 of the Indian Penal Code read
with Sections 25(1-B) and 27 of the Arms Act.

Learned counsel for the petitioner has submitted that no
incriminating article has been recovered from the possession of the
petitioner.

In the written report, it is alleged that two motorcycles
have been recovered from the *Bathan* of Akhilesh Kumar, which is
alleged to have been looted by this petitioner. The seizure-list,
enclosed with the F.I.R., does not bear the signature of this petitioner
rather it bears the signature of Akhilesh Kumar. Further it has been



submitted that both motorcycles belong to the family of the petitioner and those are not looted articles.

Considering the facts and circumstances of the case, the 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 Taraiya P.S. Case No. 84/2018, they 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 learned Additional Chief Judicial Magistrate-IX, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tamper 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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