

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1499 of 2018

Arising Out of PS. Case No.-95 Year-2017 Thana- JADIA District- Supaul

Kamal Sardar, Son of Guneshvar Sardar, Resident of Village- Maholiya,
Police Station- Jadia, District- Supaul.

... .. Petitioner

Versus

The State of Bihar.

1.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. SRI RAM SUMIRAN ROY

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 25(1-B)a, 26 and 35 of the Arms Act.

The prosecution case is that on 13.07.2017 at about 10 PM, the informant being the Sub-Inspector of the Police, was on patrolling duty near Jadia market, when he saw two persons coming by motorcycle and when he signaled them to stop, they tried to escape, but one person who was driving the motorcycle, was apprehended, who disclosed his name as Kuldeep Sardar and also disclosed the name of the person who escaped from the scene, as Kamal Sardar, being the petitioner. The apprehended accused claimed that he is the owner of the motorcycle. From the bag hanging on the handle of the intercepted motorcycle,



one iron musket (gun) and one used cartridge were recovered.

It is submitted by learned counsel for the petitioner that admittedly, co-accused Kuldeep Sardar is the owner of the alleged motorcycle, who was driving the same and on whose confession, the name of the petitioner sprang up. There is no recovery from the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the fact that no recovery has been made from the petitioner and the name of the petitioner sprang up on the confession of apprehended co-accused, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Supaul in connection with Jadia P.S. Case No. 95 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bonds of the petitioner shall be accepted by the learned court below on filing affidavit by the petitioner that he shall regularly co-operate during investigation, failing which,



the investigating agency will have the liberty to file appropriate application before the learned court below for cancellation of bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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