

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6131 of 2020

Arising Out of PS. Case No.-258 Year-2019 Thana- MADHUBAN District- East Champaran

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SAMOD BHAGAT S/o Bhutan Bhagat @ Gopal Bhagat R/o village- Bara
Koilhara, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 25(1-b)a, 26 and 25 of the Arms Act.
363 and 366(A) of the Indian Penal Code, registered in
connection with Madhuban P.S.Case No. 258 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in connection with the alleged recovery of arms from
co-accused Sarbaj Ansari. The petitioner's name has surfaced on
the confessional statement of the aforesaid co-accused Sarbaj
Ansari. No arms has been recovered from the conscious
possession of the petitioner. The allegation that the petitioner
fled away from his house after throwing a gun is mere suspicion



based on the petitioner's identification allegedly by the villagers. The petitioner claims clean antecedents.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 4th at Motihari in connection with Madhuban P.S. Case No. 258 of 2019 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his



bail bond shall be liable to be cancelled by the learned Court
concerned.

(Vikash Jain, J)

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