

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82839 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- MAHINDWARA District- Sitamarhi

BATOHI THAKUR S/o Ram Ekbal Thakur R/o village- Madhopur, P.S.-
Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pancham Lal Jaiswal
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 07-07-2020 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mahindwara P.S. Case No. 124 of 2019, for the offence punishable under Sections 399, 402, 414 of the Indian Penal Code and Section 25(1-B), 26 (3) of the Arms Act.

Briefly narrated, the case of the prosecution based on self-statement of the officer incharge of the police station is that on a tip off to the effect that five persons had assembled to commit some serious offence, a raid was conducted. They were intercepted and attempts were made to arrest all of them. Three persons out of the five were arrested whereas two of them allegedly managed to escape. From the persons arrested, firearms were recovered. It is alleged in the F.I.R. that they



disclosed name of this person as one of the two who had managed to flee away.

Learned counsel appearing on behalf of the petitioner has submitted that no offence under the provisions of Arms Act is made out in the absence of any recovery from his possession of any illegal firearm. He has further submitted that the petitioner has no criminal antecedent and has been implicated merely on the basis of confessional statement of co-accused persons, that too before the police.

Considering the above mentioned submissions, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Mahindwara P.S. Case No. 124 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part



to appear before the Court on two consecutive occasions, his
bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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