

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36551 of 2021**

Arising Out of PS. Case No.-385 Year-2020 Thana- ALOULI District- Khagaria

Shankar Sada Son of Kesho Sada Resident of Village - Belwara, P.O. -
Belwara, P.S. - Kanaria, District - Saharsa (Bihar) PIN-852106.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar

For the Opposite Party/s : Mr.Nityanand Tiwari, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 16-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Alauli P.S. Case No. 385
of 2020, registered for the offence punishable under Sections
25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, this petitioner and co-
accused Raja Kumar were moving on motorcycle and during
course of patrolling, on search, one loaded country made pistol
has been recovered from co-accused Raja Kumar.

It is submitted on behalf of the petitioner that
petitioner has falsely been implicated in this case. No
incriminating article has been recovered from possession of this
petitioner rather recovery of one loaded country made pistol has



been made from possession of co-accused. Petitioner is having clean antecedent and he is in custody since 17.12.2020.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged 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, Khagaria in connection with Alauli P.S. Case No. 385 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers 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.

(Prabhat Kumar Singh, J)

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