

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43864 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- UJIYARPUR District- Samastipur

Shankar Sah @ Master @ Shankar Kumar Son of Ram Sewak Sah @ Ram
Sewak Sahu Resident of Village - Madhodih, P.s.- Ujyarpur, Distt.-
Samastipur (Bihar)848132

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh, Advocate
Mr. Sandeep Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in the Virtual Court

proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

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

According to prosecution, while the police on
vehicle checking, three culprits boarded on a motorcycle started
fleeing away on seeing police, but the police chased them and
out of three culprits two were apprehended by the police and on
search one country-made pistol loaded with two live catridges,
one mobile phone and an apache motorcycle were recovered
from possession of co-accused Vinit Kumar Giri and a vivo



mobile was recovered from possession of co-accused Bablu Sah. During interrogation, accused persons disclosed the name of accused/petitioner who fled away from the spot.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons Vinit Kumar Giri and Bablu Sah. He further submits that the petitioner has not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner and there is no case made out under the Arms Act against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has one criminal antecedent apart from the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Ujiyarpur P.S. Case No. 33 of 2022,



subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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