

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39398 of 2024

Arising Out of PS. Case No.-855 Year-2023 Thana- SHEKHPURA District- Sheikhpura

Chhotu Tanti @ Jhamma Tanti, aged about 22 years (male), son of Kailash Tanti, Resident of Village- Bangalipar, PS -Sheikhpura, District- Sheikhpura
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Sheikhpura P.S. Case No. 855 of 2023 dated 11.12.2023 instituted for the offence punishable under Section 26(3) of the Arms Act.

3. The prosecution case, in short, is that the informant received information that some persons were quarreling inside the godown of Vimal Tent House on which the informant approached near the place of occurrence and having a vigil over the policy party, all the miscreants fled away while one person was standing inside the godown who disclosed his identity as Pravin Kumar and



on search of that person three live cartridges were found from the Jacket of the accused. On interrogation, the accused stated that one Chhotu Tanti had given the same to keep with him and thereafter seizure list was prepared for seized articles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner rather the seized cartridges were recovered from the apprehended person namely, Pradeep Kumar. It is submitted that petitioner has no concern with the said Pradeep Kumar. The petitioner has been made accused only on the basis of his past criminal antecedents. Lastly, it has been submitted that petitioner has three criminal cases against him in which he has been granted bail.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner



within a period of six weeks from today, in connection with Sheikhpura P.S. Case No. 855 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheikhpura, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at



liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

7. The application stands allowed.

(Khatim Reza, J)

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