

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60878 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- Panchanpur District- Gaya

Shankar Mistry @ Shivshankar Sharma @ Shankar Guruji Son of Bishundeo Sharma @ Vishnudeo Sharma Resident of Vill- Malsari, P.S.- Panchanpur (Tekari), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Panchanpur P.S. Case No. 45 of 2024 for the offence under Sections 25(1-b)a/26/35 of the Arms Act lodged on 22.05.2024 by the informant, Mukesh Kumar Yadav.

3. As per the prosecution story, the informant alleged that upon knowledge that during the scuffle in the village, some of the accused persons had flashed arms, the police went and upon intercepting Santosh Kumar and Mantosh Kumar, they accepted the guilt of having flashed the country-made pistol during the scuffle and further informed that it has been placed in the house of one Pandit Yadav and was procured from this petitioner who contests the election of Mukhiya. Thereafter, the house of Pandit Yadav was raided/searched and there is recovery of arms from it. Accordingly, he was also arrested which followed the F.I.R.

4. Learned counsel for the petitioner submits that neither he flashed the arm nor there is any recovery from his



house, only because the two arrested persons, Santosh Kumar and Mantosh Kumar gave his name, implicated and he further submits that he will be diligently appearing in trial.

5. Learned APP opposes the prayer submitting that it has come in the FIR that he contests the post of Mukhiya and as such, keeps the arm for his protection and further, he has criminal antecedent.

6. Having gone through the facts of the case as also the submission, the allegation of flashing of arms during the village fight has been attributed to Santosh Kumar and Mantosh Kumar and further, recovery is from the house of Pandit Yadav, the name of the petitioner has only come in the confession of the two arrested persons and as per the learned counsel for the petitioner, he will be facing the trial diligently, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M-VI, Gaya in connection with Panchanpur P.S. Case No. 45 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative



of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

