

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43376 of 2015

Arising out of PS.Case No. -53 Year- 2015 Thana -BANKA District- BANKA

Manish @ Nagmani Mandal @ Manish Mandal, son of Bateshwar Mandal, resident of Vijay Nagar, P.S.and Distt. Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Niranjana Parihar, Advocate.

For the Opposite Party : Mr. S.Dayal(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 28.01.2015 in connection with Banka P.S. Case No. 53 of 2015 for the offences instituted under Sections 25(1-b) A, 26, 35 of the Arms Act and 3,4 and 5 of the Explosive Substance Act.

The prosecution story, in brief, is that while the informant was on patrolling duty in the night, he raided the house of Bateshwar Mandal on confidential information that his son used to Bank LooT and on being searched the house of Bateshwar Mandal, one country made pistol and eight cartridges of .315 bore, seven country made pistol, two iron, one Magazines, 21 cartridges of 7.65 bore and 0.315 bore and one cartridge of .315 bore



alongwith rupees 4,22,500/-(Four lacs Twenty Two thousand five hundred rupees), one mobile set and other articles without holding any valid license under the Arms Act. In the second room of the house of Bateshewar Mandal situated at the same place, two light bombs alongwith several explosive material such as 400 Grams magnesium phosphates sutree, Dabba, stone etc. were also been recovered from the house without holding any licence under the Explosive Act.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 28.01.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. As per prosecution case, 08 country made pistols alongwith cartridges are said to have been recovered from the joint house of the petitioner. No compliance of Section 100 Cr. P.C. has been followed. The other co-accused has been granted bail by this Court vide Cr. Misc. No. 37156/2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 4th A.D.J., Banka, in connection with Sessions Trial No. 190/2015, arising out of Banka P.S. Case No. 53/2015.

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(Sudhir Singh, J)

