

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50903 of 2016

Arising Out of PS.Case No. -132 Year- 2016 Thana -MUNGER MUFFASIL District- MUNGER

1. Mantu Yadav, son of late Doman Yadav, Resident of Village- Shankarpur, P.S.- Muffasil, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Smt. Indu Bala Pandey, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 07.07.2016 in a case registered for offences punishable under Section 25 (1-b)A and 26 of the Arms Act.

The prosecution case is that the informant along with other police officials went to the house of Mantu Yadav for execution of 82/83 Cr. P.C. in connection with G.R. No. 1375 of 2004 and found one person tried to hide himself under the bed, was caught and disclosed his name Mantu Yadav. On search, a country made loaded pistol from his physical possession and one other rifle loaded with cartridge beneath the bed was recovered. Mantu Yadav could not produce any papers. Accordingly seizure

list was prepared.

It has been submitted by the learned counsel for the petitioner that he has falsely been implicated in the aforesaid case. He further submits that there is violation of Section 100 of the Cr. P.C. as seizure list has been witnessed only by the police officials. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and just because he had mis- used the privilege of bail in Kotwali P. S. Case No. 424 of 2004 corresponding to G.R. No. 1375/2004 in which he has been falsely implicated he has been made accused. He further submits that charge sheet has already been submitted, hence, there is no chance of tampering with the witnesses.

Considering the facts and circumstances as well as the fact that charge sheet has already been submitted, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Sub Divisional judicial Magistrate, Munger in connection with Muffasil P.S.Case No. 132 of 2016 corresponding to G.R. No. 1186 of 2016.

However, this is subject to the condition that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically

before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

(Nilu Agrawal, J)

Sudha/-

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