

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26178 of 2019

Arising Out of PS. Case No.-35 Year-2018 Thana- EKCHARI District- Bhagalpur

PAPPU MANDAL, Male, aged about 36 years, Son of Sri Ganeshi Mandal,
Resident of village- Rani Diyarar, Police Station- Budha Chak, District-
Bhagalpur ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
27.12.2018 in connection with Kahalgaoon, Ekchari P.S. Case
No. 35 of 2018 for the offences alleged under Sections 25(1-
B)a, 26 and 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that some miscreants have
gathered in the house of one Dinesh Yadav, the police conducted
a raid and recovered huge quantity of arms and ammunitions.
From under the bed of the petitioner one country made muscat
and four live cartridges were recovered and in the corner of the
room in a bag containing three country made muscat, one rifle,
16 live cartridges, one country made pistol and five live
cartridges of the said pistol were recovered. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession nor from the house of the petitioner. He has been implicated and languishing in judicial custody since more than four months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail, **on completion of six months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kahalgaon, Ekchari P.S. Case No. 35 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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