

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17881 of 2020**

Arising Out of PS. Case No.-357 Year-2018 Thana- MUNGER MUFFASIL District- Munger

PAWAN MANDAL S/o Suresh Mandal R/o village- Paschmi Koiri Tola
Makshudpur, P.S.- Kasim Bazar, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Satyendra Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 03-09-2020 Heard learned counsel for the petitioner and Mr.
Satyendra Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Munger Muffasil P.S. Case No. 357 of 2018 registered for the offence under Sections 121/379/414/120B/34 of the Indian Penal Code and Section 25(1-A) (1-AA), 25(1-B)a/26/35 of the Arms Act and Section 39 of Unlawful Activities (Prevention) Act, pending in the court of learned Chief Judicial Magistrate, Munger.

Learned counsel for the petitioner has vehemently argued before this Court that the petitioner is being involved in various cases of similar nature one after another with sole intention to keep him inside the jail. Learned counsel submits that though in paragraph '3' the criminal antecedent of 33 cases have been stated but except in two cases, in all other the petitioner has



been granted bail.

So far as present case is concerned, learned counsel submits that the co-accused Amna Khatoon at whose instance fire-arms were seized by police has been granted bail by a learned coordinate Bench of this Court vide Annexure '4' in Cr. Misc. No. 46495/2019. As regards this petitioner also learned coordinate Bench of this Court has been pleased to grant him regular bail in Cr. Misc. No. 46336/2019 and Cr. Misc. No. 37840/2019 in Munger Muffasil P.S. Case No. 334/2018 and Munger Muffasil P.S. Case No. 352/2018 . Learned counsel thus submits that this case standing on the same footing, the petitioner deserves privilege of regular bail.

On the other hand, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that in course of investigation it has come in paragraph '25' and '136' of the case diary that this petitioner has been named as one of the persons involved in the sale and purchase of the fire-arms which are in the nature of banned fire-arms.

As regards the bail granted to the co-accused Amna Khatoon, learned A.P.P. for the State submits that although learned counsel for the petitioner has submitted that the recovery of fire-arms were made at the instance of Amna Khatoon, but from the order as contained in Annexure '4' it does not appear that such



submissions were made before the learned coordinate Bench of this court.

Further regarding the bail granted to the petitioner vide Annexure '3' learned A.P.P. submits that the discretion applied by learned coordinate Bench on a different consideration in the facts of the case may not be relevant for consideration of bail in the present case.

Having regard to the facts and circumstances of the case, considering the kind of weapons which were being smuggled by committing theft from the arms Depot at Jabalpur and then this petitioner is named as one of the persons involved in sale of those banned fire-arms, considering the huge criminal antecedent, agreeing with the submission of the learned A.P.P. for the State, I am not inclined to grant privilege of regular bail to the petitioner.

Prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

