

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18985 of 2020**

Arising Out of PS. Case No.-1009 Year-2019 Thana- MADHEPURA District- Madhepura

MANISH KUMAR Son of Jay Kumar Yadav Resident of Village -
Laxminiya, P.S.- Tribeniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Durgesh Kumar, Advocate

For the Opposite Party/s : Mr Choubey Jawahar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings with the
aid of audio visual technology.

Heard Mr Durgesh Kumar, learned counsel for the
petitioner as well as Mr Choubey Jawahar, learned APP for the
State.

Petitioner seeks bail in Madhepura (Bharrahi OP)
Police Station (for brevity, PS) Case No 1009 of 2019 instituted
for the offence punishable under Sections 25 (1-B)a, 26, 35 of
Arms Act.



Prosecution case is that, while on patrolling duty, one motorcycle was apprehended for checking on which the petitioner along with co-accused Mukesh Kumar was moving. It is alleged that one country made pistol has been recovered from the possession of co-accused Mukesh Kumar and recovery of one small set of Lawa Company mobile phone and one motorcycle are attributed to the petitioner.

Learned counsel for the petitioner submits that the mobile phone and the SIM, which have been recovered from the petitioner's possession, are in the name of his father. The recovered motorcycle is in the name of petitioner himself. The petitioner has no criminal antecedent. He is in custody since 05.12.2019. There is no compliance with Section 100 of Criminal Procedure Code.

The learned APP for the State opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in



Madhepura (Bharrahi OP) PS Case No 1009 of 2019 subject to the following conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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