

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27711 of 2020

Arising Out of PS. Case No.-73 Year-2012 Thana- JAMALPUR District- Munger

AMIT MANDAL Son of Medani Mandal Resident of Village- Fulka (Naya Tola), P.S.- Jamalpur, Distt- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Adv.

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-10-2020 Heard learned counsel for the petitioner and learned
APP for the State, through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial No. 725 of 2012 (arising out of Jamalpur P.S. Case no. 73 of 2012) registered under sections 25 (1-AA), 25(1-B)(a), 26 and 35 of the Arms Act.

As per allegation in the FIR, on the petitioner being arrested, on his confessional statement, raid was conducted at different places and illegal arms were recovered.

It is submitted by learned counsel for the petitioner that no recovery whatsoever has taken place from the person or possession of the petitioner. The petitioner was taken into custody on 22.7.2012 but was remanded in this case on



31.8.2012. He has remained in custody since 31.8.2012 i.e. for more than 8 years. It is further submitted that the trial is still going on and referring to the order of the learned Court below, it is submitted that till now only three prosecution witnesses have been examined.

The application for bail is opposed by learned APP for the State, who submits that the petitioner is accused in several cases as mentioned in paragraph no. 3 of the petition and the trial in the case is going on.

Having heard learned counsel for the parties and on going through the materials on record, it transpires that other co-accused have been granted bail and the orders have been brought on record. Taking the facts and circumstances into consideration together with the fact that the petitioner has remained in custody for more than eight years, the Court is inclined to enlarge the petitioner on regular bail. The above named petitioner is directed to be enlarged on bail in connection with Sessions Trial No. 725 of 2012 (arising out of Jamalpur P.S. Case No. 73 of 2012) on furnishing bail bond of Rs.10,000/ (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V, Munger.



In view of the fact that three prosecution witnesses have been examined in the trial, it is directed that the petitioner shall remain personally present in Court on each date of the trial and in case of his absence for reasons not to the satisfaction of the learned trial Court, his bail bond shall be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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