

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30320 of 2020**

Arising Out of PS. Case No.-325 Year-2019 Thana- SHAHKUND District- Bhagalpur

MANGAL KUMAR @ MANGAL Son of Sri Tatal Mandal Resident of
Village- Pairdomaniyamal, P.S.- Shakhund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 25-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Shailendra Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Sahkund P.S. Case No. 325 of 2019 for the offence punishable under Sections 354(B), 452 of the Indian Penal Code, Section 8 of the POCSO Act and Section 25(1-b)a,26 of the Arms Act.

The allegation is regarding the petitioner having been found sleeping on the bed of the daughter of the informant and after he was caught, two pistols and one cartridge are stated



to have been recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 30.12.2019. It is further submitted that the story as propounded by the informant is not believable and moreover, the recovery of two country made pistols and one cartridge has not been made by the police, but by the informant, who is stated to have subsequently handed over the same to the police, which falsifies the prosecution case. It is also submitted that a bare perusal of the FIR would show that the informant himself has stated that when he had asked his daughter as to whether any misdeed has been committed or not by the petitioner, the daughter of the informant had answered in the negative.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that no misdeed has been stated to have been committed by the



petitioner and moreover, he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Bhagalpur in connection with Sahkund P.S. Case No. 325 of 2019.

(Mohit Kumar Shah, J)

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