

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13344 of 2021

Arising Out of PS. Case No.-396 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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MANNU KUMAR JHA @ MANNU JHA @ MUNNU JHA S/O BUDDU
JHA @ BUDHU JHA R/O VILLAGE-ULAO, P.S.-MUFASSIL (SINGHAUL
O.P.), DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Sunil Kr. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Mufassil
(Singhaul O.P.) P.S. Case No.396 of 2019 registered for the
offence punishable under Sections 25(1-B) (A)/ 26(2) of the
Arms Act.

The allegation against the petitioner is that one loaded
country made pistol has been recovered from the possession of



the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case merely on suspicion by the police. The seizure list is of 02.02.2019 while the FIR was lodged on 02.08.2019 i.e. there is a delay of six months in lodging the FIR and no explanation has been given for such delay. No incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has six criminal antecedent and has been languishing in custody since 03.08.2019, as such, he may be enlarged on bail.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case and the custody which is more than one and half year, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in connection with Mufassil (Singhaul O.P.) P.S. Case No.396 of 2019, subject to the following conditions:

- (1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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