

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 19281 of 2021**

Arising Out of PS. Case No.-230 Year-2020 Thana- PALIGANJ District- Patna

Mantu Kumar, aged about 22 years, Male Son of Rajdeo Mochi, Resident of Village- Jhikitiya, P.S.- Kinjar, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      17-11-2021                      Heard Mr. Shivendra Prasad, learned counsel  
appearing on behalf of the petitioner and Mr. Rajendra Singh,  
learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with  
Paliganj P.S. Case No. 230 of 2020 dated 10.07.2020 registered  
for offence punishable under Sections 414/34 of the Indian  
Penal Code as well as Sections 25(1-b) a, 26 and 35 of the Arms  
Act and Section 3 of the Explosive Substance Act, which is  
pending in the Court of learned S.D.J.M., Danapur Patna.

The allegation made in the FIR is that the petitioner  
along with the co-accused were caught by the police. A search  
was made and from the possession of the petitioner one country



made Katta and Apache motorcycle was recovered.

Learned counsel appearing on behalf of the petitioner submits that petitioner has been implicated in a false case and nothing has been recovered from his conscious possession. The petitioner has clean antecedent and he be enlarged on bail.

Learned counsel appearing on behalf of the State, however, opposes the prayer for grant of bail.

Having perused the allegation made in the FIR and the seizure list. It appears that a country made pistol was recovered from the possession of the petitioner. However, the motorcycle which is alleged to have been recovered from the possession of the petitioner belongs to co-accused Bijendra Kumar. The petitioner has clean antecedent and is aged about 23 years and have a bright future, I am inclined to release the petitioner on bail subject to the condition that any of his close relative or his responsible person furnishes Bank Draft of Rs. 2,00,000/- in favour of Bihar State Legal Services Authority at Patna in Court below which shall be retained by the Court below to see that the petitioner does not involve in any other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bonds of Rs.



20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No. 230 of 2020, subject to following conditions:

(i) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

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

(iv) If the petitioner tempers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of



Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the Court below.

**(Purnendu Singh, J.)**

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