

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23361 of 2021**

Arising Out of PS. Case No.-400 Year-2020 Thana- RAXAUL District- East Champaran

Manish Tiwari, son of Nawal Kishore Tiwari R/O Village- Naga Road Ward
No.-22, P.S.- Raxaul, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 26-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Raxaul (Haraiya) P.S. Case No. 400 of 2020

registered for the offences punishable under Section 25(1-b)a,

26 of the Arms Act.

As per the prosecution story, the informant alleged

that on 18.10.2020 during the course of patrolling, one person

started fleeing away on seeing the police party but on chase he

was apprehended and disclosed his name as the petitioner

Manish Tiwari. The informant further alleged that on search of

the petitioner one country made pistol loaded with one cartridge was recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that from the possession of the petitioner one country made pistol and one live cartridge has been recovered, the petitioner has remained in custody since 19.10.2020. Learned counsel submits that petitioner has got three criminal antecedents but he is on bail in all those cases.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that one country made pistol and one live cartridge has been recovered from the possession of the petitioner, the petitioner has remained in jail in connection with this case since 19.10.2020, investigation against him is complete, but the trial is not likely to take place in near future, petitioner has got three criminal antecedents but he is on bail in all those cases, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari in

connection with Raxaul (Haraiya) P.S. Case No. 400 of 2020,
subject to the condition as laid down under Section 437 (3)
Cr.P.C.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage
it is found that the petitioner has concealed his criminal
antecedent, the court below shall take step for cancellation of
bail bond of the petitioner. However, the acceptance of bail
bonds in terms of the above-mentioned order shall not be
delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.