

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26290 of 2021**

Arising Out of PS. Case No.-357 Year-2018 Thana- MUNGER MUFFASIL District- Munger

NIWAS MANDAL S/O LATE GANGA MANDAL R/O VILLAGE-
SITAKUND DIH, P.S-MUFASSIL, DISTRICT-MUNGER (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-07-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 121, 379, 414, 120B/34 of the Indian Penal Code, u/s 25(1-B) A/25 (1-AA) 25(1-B) A 26/27, 35 of Arms Act and u/s 39 of U.A.P. Act.

As per the prosecution case, the petitioner along with other accused persons are alleged to be indulged in selling illegal arms to Naxalites and other criminals.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. The petitioner is not named in the FIR. The name of petitioner surfaced in the case on the basis of confessional statement of co-accused. No incriminating article has been recovered from the conscious possession of the petitioner. Only



allegation against the petitioner is of smuggling and selling AK 47 rifle and their parts to Naxalites and other criminals. Petitioner is in custody since 18.10.2020. Similarly situated accused person has already been granted bail by this court vide order dated 11.12.2019 passed in Cr. Misc. No. 46495 of 2019. Although, the petitioner has got criminal antecedent and four other criminal cases are pending against him but, as stated in paragraph 3 of the bail petition, the petitioner has been granted bail in all those cases.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in connection with Munger Muffasil PS case No. 357/2018 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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